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ABSTRACT

This report is the result of a study to assess whether American Samoans should be designated as Native Americans under the Job Training Partnership Act. The finding is that there is insufficient evidence in favor of such a change in designation. To designate American Samoans as Native Americans may set a precedent for amending numerous other federal laws and for using socioeconomic disadvantage as a claim to Native American status. Fundamental differences which distinguish American Samoans from groups currently designated as Native Americans are the following: (1) American Samoans are not on land which became a state; and (2) U.S. sovereignty in American Samoa is different than the trust relationship with Native Americans. The governor of American Samoa disagreed with the findings and conclusions. He argued that the trustee relationship is implied. The U.S. Department of Labor and the U.S. Department of the Interior agreed with the findings. Data are presented in figures and tables, and a glossary is included. (VM)

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United States General Accounting Office

GAO

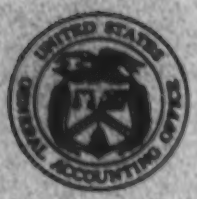
Report to Congressional Requesters

GD240814

December 1987

JOB TRAINING PARTNERSHIP ACT

Native American Status for American Samoans Appears Unwarranted



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United States
General Accounting Office
Washington, D.C. 20548

Human Resources Division

B-227366

December 3, 1987

The Honorable Daniel K. Inouye
United States Senate

The Honorable Dan Quayle
United States Senate

This report responds to your May 14, 1986, request for information on possible Native American status for American Samoans under the Job Training Partnership Act.

Copies of this report are being sent to the Secretaries of Labor and the Interior and selected other federal departments; the Director, Office of Management and Budget; the Governors of American Samoa, California, and Hawaii; and Delegate Fofo I.F. Sunia. We are also sending copies to the congressional committees with legislative and oversight responsibility for matters discussed in this report. We will make copies available to others on request.

Richard L. Fogel
Assistant Comptroller General

Executive Summary

Purpose

American Samoa, along with the states and other U.S. territories, receives funds under the Job Training Partnership Act (JTPA) to train economically disadvantaged adults and youths for employment. Because of concern over economic problems experienced by American Samoans, members of Congress and others have raised the issue of additional JTPA funds for American Samoans under programs designed for Native Americans, that is, American Indians, Alaskan Natives, and Native Hawaiians.

Senators Daniel Inouye and Dan Quayle asked GAO to review whether American Samoans should be designated as Native Americans under JTPA and whether there are other ethnic groups to which similar designation would apply.

Background

Generally, JTPA programs are administered by the states and U.S. territories. American Samoans residing in American Samoa receive employment and training services through programs administered by the Government of American Samoa. If living in the states, American Samoans can receive services through local JTPA programs in the states in which they reside. Native Americans can receive additional JTPA services under national-level programs administered by the Department of Labor.

Several bills have been introduced before the Congress, but not passed, to provide additional JTPA funding to Samoans by adding them to the groups included as Native Americans under JTPA. Currently, similar proposals (S. 102 and H.R. 1138) are pending. GAO examined historical relationships and treaty obligations between the federal government and Native American groups and contrasted their situation with that of American Samoans. GAO also used 14 socioeconomic indicators from the most recent decennial Census to compare the Samoans' condition with other racial and ethnic groups (American Indians, Eskimos, and Aleuts; blacks; and Puerto Ricans) in the United States, particularly in California and Hawaii, where 82 percent of the nation's 39,520 Samoans resided in 1980.

Results in Brief

There is insufficient basis to conclude that American Samoans should be included as Native Americans under JTPA.

American Samoans are not inhabitants of a territory that was or is foreseen as becoming a state of the United States. No special trust relationship exists between the United States and American Samoans such as that between the United States and American Indians, nor a relationship like that with Alaskan Natives and Hawaiian Natives. Furthermore, neither ethnic background nor socioeconomic disadvantage has been used in the past as the primary justification for conferring Native American status. Should socioeconomic disadvantage, measured by the 14 Census indicators (such as income, unemployment rate, and poverty level) be used in such a determination, blacks and Puerto Ricans in the United States would have an equal or greater claim to Native American status than would American Samoans.

Amending JTPA to include American Samoans as Native Americans would be analogous to amending the Native American Programs Act of 1974 and could set a precedent for amending numerous other federal laws authorizing services to Native Americans.

Principal Findings

Fundamental Differences

Two key differences distinguish American Samoans from groups currently designated as Native Americans:

1. American Indians, Alaskan Natives, and Hawaiian Natives were the aboriginal inhabitants of territories that became states of the United States, and

2. Legislative, executive, and judicial findings indicate that a special relationship exists between those groups and the federal government. U.S. sovereignty over American Samoa differs significantly enough from the situation of Native Americans for GAO to conclude that the United States has no special trust relationship with American Samoans.

Under current federal laws, Native Americans share a common circumstance—the United States took land they once occupied and provides special federal program assistance based on either (1) legal obligations as trustee or (2) diminished capacity of those natives to provide for themselves from their land.

In contrast, the United States took no land from American Samoans without compensation at any time, and currently holds no American Samoan land or water rights in trust. Instead, the United States was given sovereignty by American Samoan chiefs in 1900 and 1904 through Deeds of Cession in exchange for U.S. protection of Samoans' title to their land in perpetuity, as well as protection of the Samoan way of life. Approximately 92 percent of the land in American Samoa still is owned by American Samoan families. The balance belongs to churches, individuals, or the Government of American Samoa. The United States has protected American Samoans' ownership and title to their land—rights guaranteed in 1900 by the United States. In addition, the United States has promoted their social and economic well-being by providing American Samoa with funds under many federal programs intended to assist all U.S. territories.

Thus, no special trust relationship exists between the United States and American Samoans.

Economic Disadvantage

Samoans residing in the United States are an economically disadvantaged population when compared with the U.S. population, according to GAO's analyses of Census data. Likewise, Samoans in California and Hawaii are economically disadvantaged when compared with the populations in those states. However, when compared with American Indians, Eskimos, and Aleuts, blacks, and Puerto Ricans, the results are mixed. For example, Samoans in the United States had higher median household incomes ($13,848) than American Indians, Eskimos, and Aleuts ($12,256), blacks ($10,943), and Puerto Ricans ($10,075). On the other hand, American Indians, Eskimos, and Aleuts had a lower proportion of persons in poverty (27.5 percent) than Samoans (29.5 percent); blacks were about the same (29.9 percent) as Samoans. For virtually every indicator except per capita income, Samoans in the United States were better off than Puerto Ricans in the United States.

When compared with other population groups in California, the socioeconomic picture of Samoans in that state was somewhat similar to that of the relative situation of Samoans in the United States, although California Samoans' proportion of families in poverty was the highest among state groups and of college graduates, the lowest. In Hawaii, Samoans were the population group with the highest proportion of persons in poverty, the lowest median household and family incomes, and lowest proportion of high school graduates. The more disadvantaged economic situation of Samoans in Hawaii in 1980 may be accounted for

in part by their relatively large number of female-headed families, their young median age, and the high proportion of Samoans who migrated to Hawaii during the previous five years. (Over time, studies have shown, migrants' economic problems lessen.)

Recommendations

GAO is making no recommendations to change the Job Training Partnership Act.

Agency and Governor Comments

Interior and Labor agreed with GAO's principal findings and conclusions. The Governor of American Samoa disagreed with GAO's finding that no special trust relationship exists between the United States and American Samoans.

He said that the political guardianship nature of the U.S. government's relationship with American Samoa, American Samoans' status as U.S. nationals, and a situation analogous to that of American Indians evidences or implies a trusteeship relationship. He also stated that American Samoans' socioeconomic disadvantage in the United States warrants Native American status.

GAO continues to believe that (1) American Samoans' territorial relationship to the United States and uninterrupted occupancy and title to their land is significantly different from circumstances common to current Native American groups; (2) socioeconomic disadvantage unrelated to loss of land has not historically warranted Native American status; and (3) there are feasible alternatives for addressing American Samoans' disadvantage without designating them as Native Americans.

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Abbreviations

CETA	Comprehensive Employment and Training Act
GAO	General Accounting Office
JTPA	Job Training Partnership Act
SDA	service delivery area

Introduction

The Job Training Partnership Act (JTPA), enacted October 13, 1982, is the federal government's principal employment and training program. For program year 1986 (July 1, 1986-June 30, 1987), Congress appropriated $3.5 billion for programs authorized by the act. JTPA provides federal assistance to (1) prepare economically disadvantaged individuals for entry or reentry into the labor force and (2) provide training to such persons and others facing serious barriers to employment. State governments receive JTPA funds to serve disadvantaged youth and adults (under title II) and dislocated workers (title III), while the Department of Labor administers programs for special target groups such as migrant and seasonal farmworkers and Native Americans (title IV-A).

Background

Labor provides title IV-A funds to Native American grantees serving economically disadvantaged, unemployed, or underemployed American Indians, Alaskan Natives, and Native Hawaiians. Title IV-A funds are used for classroom and on-the-job training, work experience, and other employment-related services and opportunities intended to lead the participants to permanent, unsubsidized jobs and improved economic well-being. JTPA funding to Native Americans from the act's passage in 1982 through June 30, 1987, is summarized in table 1.1. It also shows funds appropriated under the Comprehensive Employment and Training Act (CETA), which JTPA replaced.

Table 1.1: JTPA Title IV-A Funding to Native Americans (1983-87)

Program year[b]	Native American groups[a] American Indians	Alaskan Natives	Native Hawaiians[c]
CETA (fiscal year 1983)[d]	$61,937,981	$3,918,854	$3,058,165
Transition period (October 1, 1983- June 30, 1984)	42,311,068	2,407,918	1,963,014
JTPA			
1984	56,865,200	2,738,872	2,638,928
1985	57,088,375	2,504,678	2,649,947
1986	54,809,795	2,221,187	2,536,018
Totals	**$273,012,419**	**$13,791,509**	**$12,846,072**

[a]Native Americans also receive title II-B funds for summer youth programs. For example, Native American grantees received $13.2 million in such funds for program year 1985, the most recent summer (May-August 1986). Labor had not yet allotted program year 1986 title II-B funds at the completion of our review.

[b]Program year refers to the 12-month period, from July 1 through the following June 30.

[c]Funding figures include a relatively small grant each year to the Hawaii Council of American Indian Nations.

[d]These funds were appropriated under CETA and carried over to support JTPA programs that replaced CETA.

Source: U.S. Department of Labor, Employment and Training Administration.

According to Labor's 1987 budget justification, title IV-A funds for Native American programs would maintain an estimated average enrollment of 10,200 persons at a cost of approximately $5,900 per enrollee. During program year 1986, Labor provided 187 title IV-A grants totaling $59.6 million to Native American grantees. These grantees also received $13.2 million in title II-B funds through state governments for summer youth programs during the period May-August 1986.

Proposed legislation introduced in the 99th and 100th Congresses would amend JTPA title IV to add American Samoans to groups already included under the term Native American.[1] Currently, Labor provides title II funds to the Governor of American Samoa to carry out employment and training programs in those islands. American Samoans living in the United States also can receive employment and training services through local JTPA programs in the states in which they reside. (In this report, the term "United States" refers geographically to the 50 states and the District of Columbia and politically to the federal government,

[1]JTPA refers to "members of Indian, Alaskan Native, and Hawaiian Native communities," in effect using the same approach to describe Native Americans as that first used in the Native American Programs Act of 1974. According to current federal regulations issued by the Department of Health and Human Services (45 CFR 1336.10), "'Native American' means American Indian, Indian, Native Hawaiian, and Alaskan Native, as defined in the Act, or in this section."

unless stated otherwise.) Labor's allotments to the Governor of American Samoa from JTPA inception through program year 1986 for title II-A adult and youth programs and title II-B summer youth services are summarized in table 1.2. Labor does not maintain comparable financial data for services to American Samoans in the United States because title II services are dependent on a recipient being economically disadvantaged, not on geographic origin or ethnic background.

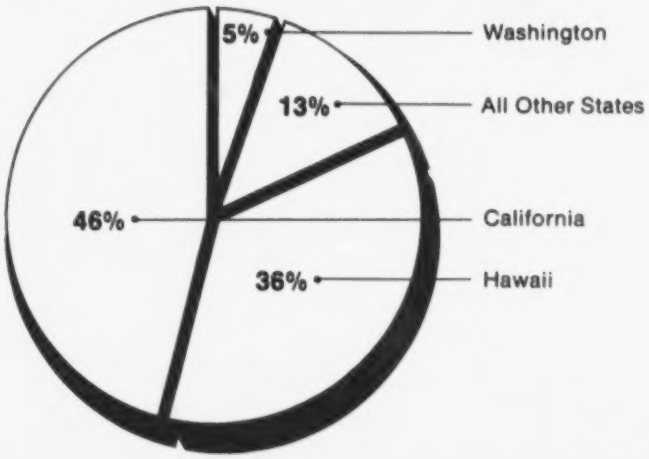
Table 1.2: JTPA Title II Funding to American Samoa (1983-87)

Program year	Title II-A	Title II-B
CETA (fiscal year 1983)	$18,000	$0
Transition period (October 1, 1983- June 30, 1984)	291,688	57,776
JTPA		
1984	350,026	55,313
1985	315,023	55,003
1986	268,028	48,279
Totals	**$1,242,765**	**$216,371**

Source: U.S. Department of Labor, Employment and Training Administration.

For JTPA purposes, U.S. governors divide their states into service delivery areas (SDAs) through which job training services are provided. Such areas may include the entire state or one or more units of local government. The American Samoan population in the United States is concentrated primarily in California and Hawaii. In California, it is found mainly within three service delivery areas: Carson-Lomita-Torrance, Los Angeles County, and San Francisco County. In Hawaii, American Samoans are served by the Honolulu/Oahu County SDA. The distribution of all Samoans throughout the United States in 1980 according to the 1980 Census, the most recent data available, is shown in figure 1.1.

Figure 1.1: Distribution of Samoans Throughout the United States (1980)



Note: According to Census, 39,520 Samoans lived in the United States in 1980.

Source: 1980 Census of Population: General Social and Economic Characteristics; U.S. Department of Commerce, Bureau of the Census.

Congressional Concern Over American Samoans' Problems

Prior to JTPA enactment, House and Senate conferees expressed concern over employment and other problems being experienced by American Samoans residing in American Samoa, the state of Hawaii, and the continental United States. According to the conference report:

"The conferees believe the United States has a special responsibility for the Samoan people that grows out of the treaties of friendship and commerce negotiated in the last century and the trust relationship created when the islands were ceded to the United States in the early 1900s.

"In order that the Congress can be better informed on how best to meet the employment and training needs of the Samoan peoples, the Secretary of Labor is instructed to transmit a Report to the Congress no later than October 1, 1983, which details the dimensions of unemployment and poverty among American Samoans and recommends specific actions that can be taken to carry out our historic responsibilities to these peoples."[2]

After JTPA was passed in 1982, bills were introduced in the House and the Senate to amend title IV. These bills, which did not become law, would have added American Samoans to the groups included as Native

[2]U.S. House of Representatives, Conference Report No. 97-889, Sept. 28, 1982, pp. 109-110.

Americans. The bills were among the topics discussed during 1985 House Committee on Education and Labor oversight hearings on the JTPA. At that time, the committee received testimony from the executive director of the National Office of Samoan Affairs, Inc., a Samoan community-based agency in California. The testimony cited Bureau of the Census and other data describing American Samoan unemployment problems in the United States and included comments on JTPA-funded services available to American Samoans residing in the United States.

The executive director's testimony concluded with the following statement:

"We believe that there is a strong underlying legalized moral basis to support the contention that a special trust relationship exists between the U.S. Government and the American Samoans. Based upon similar criteria, such a relationship was found to be present with regard to American Indian tribes, Alaskan Natives, and native Hawaiians.

"Therefore, we urge full support in amending the JTPA to include American Samoan natives."[3]

Also, during consideration of fiscal year 1986 and 1987 budgets for the Departments of Labor, Health and Human Services, and Education,[4] the Senate Appropriations Committee expressed concern over American Samoans' poverty and unemployment problems. The committee directed Labor to provide it with a report in 1986 on Labor's efforts to target programs for American Samoans. Labor submitted the report in July 1986.

Objectives, Scope, and Methodology

Senators Daniel K. Inouye and Dan Quayle asked us to review the possible Native American status of American Samoans. They requested that we (1) review a 1984 report on unemployment, poverty, and training needs of American Samoans submitted by the Department of Labor as instructed by the Conference Report on JTPA, (2) examine whether there is justification for the Congress to conclude that American Samoans are Native Americans, and (3) determine whether there are other ethnic groups to which similar justification would apply.

[3]Oversight Hearing On the Job Training Partnership Act (Part 2), Serial No. 99-16, p. 78.

[4]Senate Reports 99-151, pp. 12, 150-151, and 99-408, p. 155.

As agreed with the requesters' offices, our objectives were to (1) review the socioeconomic conditions of at least those American Samoans residing in the continental United States and Hawaii; (2) examine the historical relationships, treaty obligations, and other circumstances pertaining to American Samoans, the federal government, and those groups currently included as Native Americans in JTPA—American Indians, Native Alaskans, and Native Hawaiians; and (3) include in the scope of "other ethnic groups" at least persons from Puerto Rico and, if necessary, Guam. We also focused on those parts of the 1984 Labor-submitted report that discussed socioeconomic conditions and recommendations for legislative change.

Except as specifically noted in this report, we did not analyze the socioeconomic condition of American Samoans residing in American Samoa or other information pertaining to conditions in those islands for the following reasons:

1. Congressional interest in American Samoans' employment and training problems under JTPA since 1984 has focused almost exclusively on problems experienced by American Samoans who have migrated from the islands to California and Hawaii.

2. The Labor contractor's report that the congressional requesters asked us to review focused exclusively on American Samoans' problems in the United States.

3. Testimony supplied in 1985 by the National Office of Samoan Affairs, Inc., regarding American Samoans' problems focused exclusively on their problems in the United States.

4. The Government of American Samoa's administration of JTPA title II funds in the islands was not raised as an issue, but the issue of whether state governments in the United States were adequately addressing American Samoans' problems using JTPA title II funds was raised.

In reviewing the socioeconomic conditions of American Samoans (excluding the islands of American Samoa), we examined five reports prepared by a contractor for the Department of Labor. These 1983 and 1984 reports concerned American Samoan unemployment, poverty, and training needs; social and economic characteristics; English language capability; population count; and mobility and urban adaptation. Also, we analyzed both published Census Bureau data and its most recent but

as yet unpublished data (November 1986) on American Samoans residing in the United States, based on the Bureau's 1980 Census of Population. Using 14 indicators of social and economic condition, we compared Samoans residing in the United States with (1) the U.S. total population; (2) American Indians, Eskimos, and Aleuts (as a group); (3) Puerto Ricans residing in the United States (excluding the island of Puerto Rico); and (4) blacks. We also made separate analyses of Samoans residing in California and Hawaii. We compared Samoans with Native Hawaiians in Hawaii, because 70 percent of those who identified themselves as being Hawaiian in the 1980 Census resided in Hawaii. Details on our methodology for these analyses appear in chapter 2.

To examine the historical relationships and treaty obligations pertaining to Native Americans, the U.S. Government, and American Samoa, we reviewed federal legislation, U.S. Supreme Court decisions, Congressional Research Service reports, National Archives records, treaties, and other research material related to American Indians, Alaskan Natives, Native Hawaiians, American Samoans, and associated federal trust responsibilities. This material included the most recent, comprehensive, federally funded studies on federal trust responsibilities to Native Americans: the 1977 Final Report and selected Task Force Reports of the American Indian Policy Review Commission and the Native Hawaiians Study Commission 1983 reports. (See pp. 76-78 for a list of selected reports and studies that we examined.)

In addition to examining the American Samoa Code (laws enacted by the Government of American Samoa), we reviewed a 1982 Congressional Research Service memorandum on possible Native American status for American Samoans and previous GAO reports on U.S. territories and insular possessions.

We discussed federal trust responsibility obligations and issues with officials in the Department of the Interior's Office of the Solicitor, Indian Affairs and General Law (Territories) Divisions, and in the Department of Health and Human Services' Intradepartmental Council on Indian Affairs. The National Office of Samoan Affairs, Inc., also provided information for our consideration. In addition, we interviewed officials from the Departments of Commerce (Bureau of the Census), Health and Human Services, the Interior (Bureau of Indian Affairs and Office for Territorial and International Affairs), Labor (Employment and Training Administration), and State (Office of the Legal Adviser).

To develop a historical perspective on Native Americans' eligibility under federal employment and training legislation, we reviewed the legislative history of three laws: (1) the Manpower Development and Training Act of 1962; (2) the Comprehensive Employment and Training Act of 1973, as amended in 1978; and (3) the JTPA.

Because our review addressed matters affecting Native Americans, American Samoa, and potentially other U.S. territories, we obtained background information from the office of American Samoa's nonvoting delegate to the U.S. House of Representatives, the Office of the U.S. Senate Committee on Energy and Natural Resources (which has oversight jurisdiction over territories and insular possessions), and the Senate Select Committee on Indian Affairs.

We conducted our review between August and December 1986 in accordance with generally accepted government auditing standards.

American Samoa: A Unique Situation

American Samoa is one of four remaining principal insular areas that the United States acquired during the late 19th and early 20th centuries but that did not eventually become states. The others are Guam in the Pacific and Puerto Rico and the Virgin Islands in the Caribbean. Although these areas usually are considered part of the United States, are under U.S. sovereignty, and generally are subject to U.S. laws, American Samoa is politically, culturally, and historically different when compared with the others. For example, American Samoa is

- under U.S. immigration and nationality laws, the only one of these four insular areas whose citizens are not U.S. citizens at birth;[5]
- the only territory for which the Congress did not pass an "organic act";[6] and

[5]Under the Immigration and Nationality Act of 1952 (Public Law 82—414), American Samoa is considered an "outlying possession" of the United States, and persons born in American Samoa generally are "nationals," but not citizens, of the United States. A "national of the United States" means either (1) a citizen of the United States (i.e., all U.S. citizens are U.S. nationals), or (2) a person who owes permanent allegiance to the United States, but is not a U.S. citizen.

[6]Organic acts are laws passed by the Congress to establish the local political framework—executive, judicial, and legislative—for governing each territory. Congress passed organic acts not only for territories such as Alaska and Hawaii, which eventually became states, but also for most of the states admitted to the union after the U.S. Constitution was ratified by the original 13 states in 1789.

- populated primarily by a communal, collectivist society, based on extended kinship groups or families headed by elected leaders—the matai—who act as trustees or guardians of family lands.[7]

American Samoa is located in the Pacific Ocean 1,600 miles northeast of New Zealand, 4,150 miles southwest of San Francisco, and 2,300 miles southwest of the nearest state, Hawaii (see fig. 1.2). It is the territory with the smallest island population, land area, and population per square mile. American Samoa is culturally and ethnically closer to the independent nation of Western Samoa than it is to either the closest state (Hawaii) or to the continental United States. Of the nine principal Samoan islands, seven comprise American Samoa and two comprise Western Samoa. The largest American Samoan island, Tutuila, is approximately 80 miles from the closest Western Samoan island, Upolu (see fig. 1.3).

Many migrants come from Western Samoa, spending various periods of time in American Samoa before moving on to the United States. The 1980 Census of Population published data show that, of approximately 32,300 persons residing in American Samoa, nearly 9,700 (30 percent) were born in Western Samoa, compared with approximately 18,600 (58 percent) born in American Samoa. The remaining 12 percent were born elsewhere. In 1985, American Samoa had an immigration problem due to its relative prosperity compared with nearby island nations such as Western Samoa, the legislature of American Samoa informed us. American Samoa's reported per capita income was $4,280; Western Samoa's was $940.

In the 1980 Census, Samoans (both of American and Western Samoan ancestry) were reported as a distinct ethnic group for the first time since 1930. Table 1.3 provides a comparison among selected U.S. insular areas in terms of political, demographic, and geographic data.

[7]Approximately 92 percent of American Samoa's 76 square miles is communal land owned by Samoan families. The remaining land is owned either by the Government of American Samoa (3.1 percent), individuals (2.4 percent), or churches (1.9 percent).

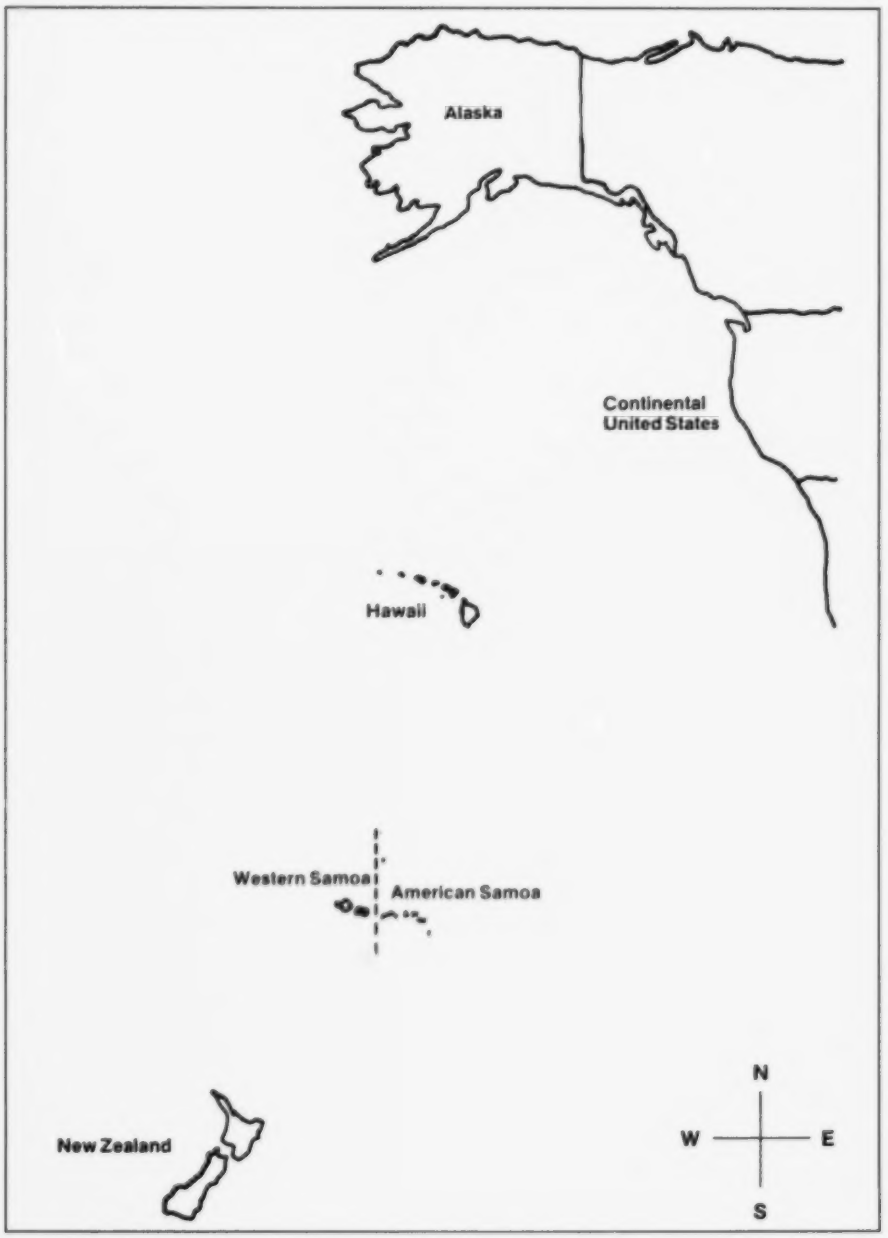


Figure 1.2: Location of American Samoa in Relation to the United States and Western Samoa

Figure 1.3: Proximity and Cross-Migration Pattern Between American and Western Samoa (1900-86)

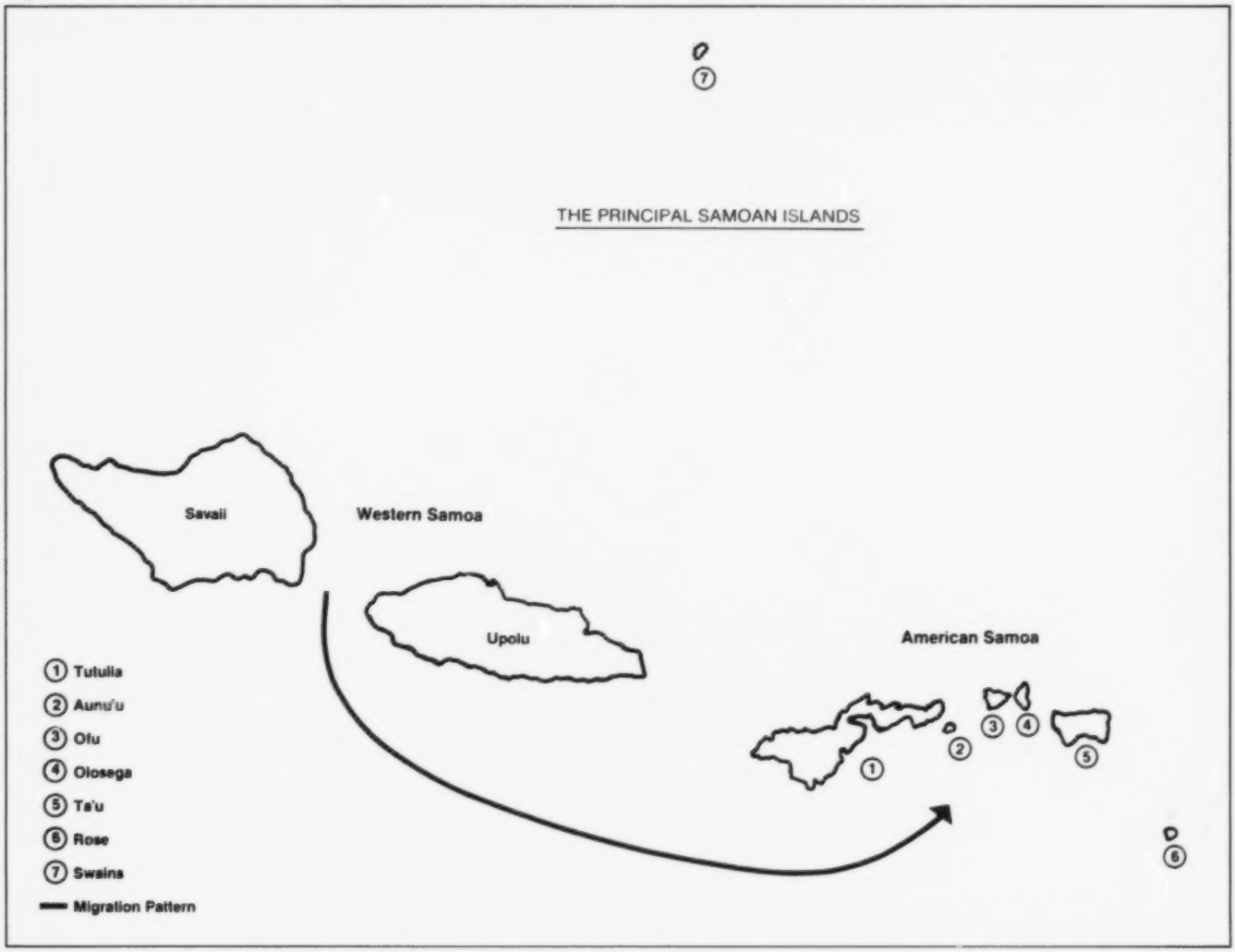


Table 1.3: Political, Demographic, and Geographic Comparison Among American Samoa and Selected Other U.S. Insular Areas

	American Samoa	Guam	Puerto Rico	The Virgin Islands
Acquired by United States	1900	1898	1898	1917
First Organic Act passed	None	1950	1900	1936
Received nonvoting delegate in the U.S. House of Representatives	1980	1972	1900	1972
Residents granted U.S. citizenship	Selective[a]	1950	1917	1927
Population (1980)[b]	32,300	106,000	3,196,500	96,600
Land area (square miles)	76	209	3,500	130
Population per square mile (no. of persons)	425	507	913	743

[a]Generally, persons who are born in the United States or become naturalized citizens.

[b]Source: 1980 Census of Population: Detailed Social and Economic Characteristics, U.S. Department of Commerce, Bureau of the Census.

Under U.S. immigration and nationality laws, persons residing in the United States who are not U.S. citizens generally are classified as either U.S. nationals or aliens. Under the category of U.S. nationals are both (1) American Samoans born in American Samoa of parents who are not U.S. citizens and (2) American Samoans residing in the United States who have not become citizens through birth in the United States or through naturalization procedures specified by U.S. law.

As U.S. nationals, American Samoans' entry to and exit from the United States is not regulated either by legal limits on the number of persons entering the United States or by the U.S. Immigration and Naturalization Service's monitoring of their entry and exit. In addition to unrestricted entry, noncitizen nationals may serve in the U.S. armed forces. On the other hand, U.S. nationals are denied certain rights or privileges of citizenship. For example, noncitizen nationals do not have the right to vote in state or national elections.

Many Samoans Migrate to the United States

During the 35-year period 1952-86, approximately 6,100 Western Samoan immigrants and an unknown number of American Samoans migrated from the islands to Hawaii and the continental United States.[8] These migration patterns are shown in figure 1.4. Although none of the seven federal departments[9] we contacted had complete historical data on exactly how many American Samoans migrated and the years of their entry into the United States, some data are available from Census, Immigration, and other sources. For example, one source states that

"The economic situation in American Samoa became so desperate in 1952 that about a thousand Samoans migrated en masse to Hawaii. . ."[10]

Because no accurate or complete quantitative data on American Samoan migration was available at the time, our 1978 report on American Samoa stated:

". . . a large number of American Samoans have migrated to the United States to begin armed services' careers, attend colleges, and find better job markets with better pay scales in both the government and private sectors. Various estimates indicate that two to three times more Samoans live in the United States than in American Samoa."[11]

The latest available data (Nov. 1986) on American Samoan migration, derived by Census from the 1980 Census of Population, show there were more persons of either American or Western Samoan ancestry residing in the United States in 1980 (39,520) than in American Samoa (28,300). Of the 39,520 Samoans in the United States in 1980, a higher proportion (16,603 or 42 p[illegible]ent) were born in the United States than in American Samoa (8,083 or [illegible] percent), Western Samoa (12,393, or 31 percent), or other places (2,441 or 6 percent). (At the time of our review, Census did not have readily available data on how many U.S.-born Samoans were of American Samoan as opposed to Western Samoan ancestry.)

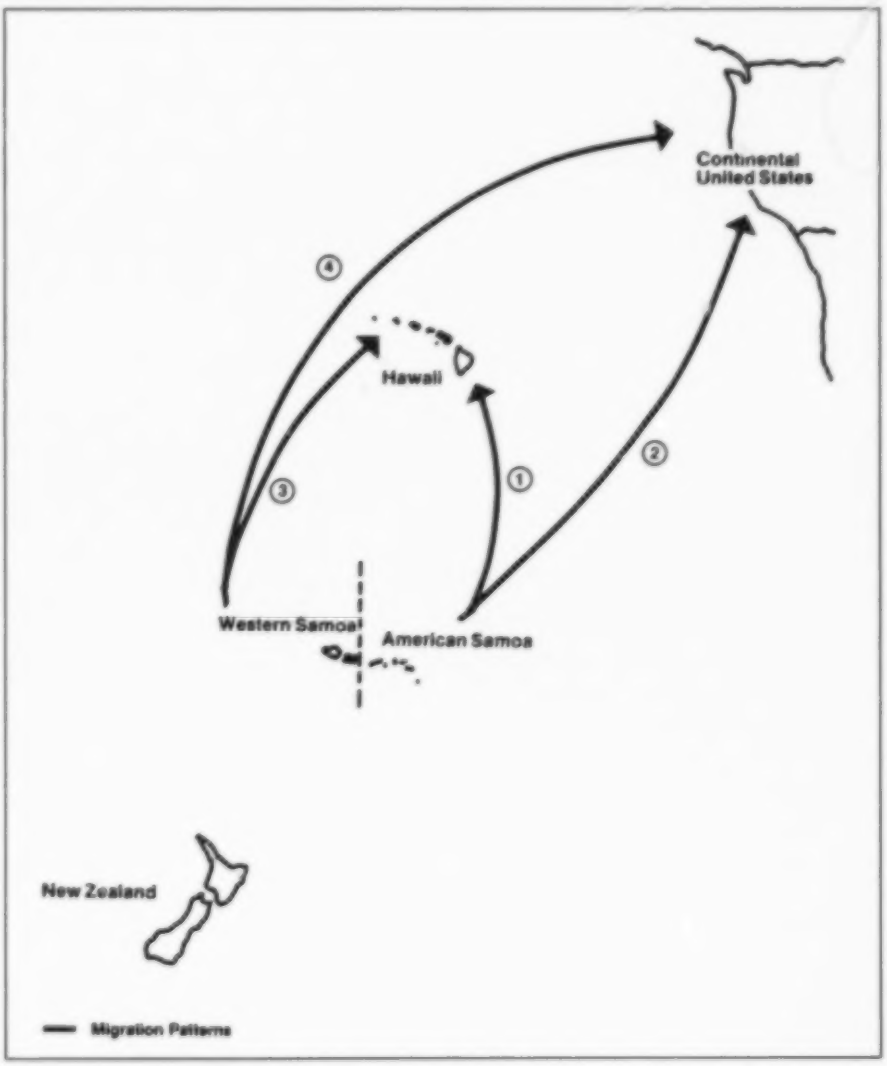
[8]The U.S. Department of Justice, Immigration and Naturalization Service (Immigration) maintains immigration statistics. Because American Samoans are "nationals" of the United States, they may enter the states without restriction. Immigrants from the independent nation of Western Samoa, on the other hand, are aliens whose entry is restricted and monitored under U.S. immigration laws. Immigration does not maintain statistics on American Samoans entering or leaving the states.

[9]Commerce, Health and Human Services, the Interior, Justice, Labor, Navy, and State.

[10]Captain J.A.C. Gray, Amerika Samoa: A History of American Samoa and its United States Naval Administration (Annapolis: United States Naval Institute, 1960), p.263.

[11]American Samoa Needs Effective Aid to Improve Government Operations and Become a Self-Supporting Territory (CED-78-154, Sept. 22, 1978), pp. 12-13.

Figure 1.4: Migration From American Samoa and Western Samoa to the United States (1952-86)



Note: In 1980, Samoans born in American or Western Samoa and residing in the United States were dispersed as follows: Of 8,083 persons born in American Samoa,

(1) 4,492 resided in Hawaii,
(2) 2,773 in California, and 818 in the other 48 states.

Of 12,393 persons born in Western Samoa,

(3) 3,794 resided in Hawaii,
(4) 6,311 in California, and 2,288 in the other 48 states.

Source: Unpublished Census data (Nov. 1986) derived from the 1980 Census of Population.

Samoans in the United States: An Economically Disadvantaged Population

The approximately 40,000 Samoans residing in the United States in 1980 were an economically disadvantaged population when compared with the total U.S. population of 226.5 million persons, Census data show. However, compared with selected other population groups—1.5 million American Indians, Eskimos, and Aleuts; 2 million Puerto Ricans; and 26.5 million blacks—Samoans' disadvantage was less than that of one or more of those groups for 11 of the 14 socioeconomic indicators we examined.

For certain key indicators, for example, Samoans in the United States were better off than American Indians, Eskimos, and Aleuts (studied as a group), and blacks. Samoans had higher median family and household incomes, lower unemployment rates, and higher high school graduation rates. But for other indicators, such as proportion of persons in poverty or persons receiving public assistance, Samoans were worse off than American Indians, Eskimos, and Aleuts and in about the same situation as blacks. For every indicator except per capita income, Samoans in the United States were better off than Puerto Ricans in the United States, according to Census data.

In the two states in which they were concentrated, California (18,100 persons) and Hawaii (14,300 persons), Samoans constituted 82 percent of the Samoans in the United States in 1980. The socioeconomic picture of Samoans in California, when compared with other population groups in that state, was somewhat similar to that of the relative situation of Samoans throughout the United States. In California, however, Samoans had the lowest proportion of college graduates and the highest proportion of families in poverty of the groups we analyzed. In Hawaii, Samoans had the highest proportion of persons in poverty, the lowest median household and family incomes, and the lowest proportion of high school graduates among the population groups we analyzed.

Census Data on Samoans in U.S. Analyzed

We attempted to develop an overview of American Samoans' socioeconomic condition in the United States by analyzing the most recent Census Bureau data available. But we were unable to do so because published Census reports do not distinguish between American Samoan and Western Samoan ancestry, and Census had not analyzed its 1980 data to determine how many of the 16,603 Samoans born in the United States and residing there in 1980 were of American Samoan ancestry. Unpublished Census data indicate that only 20 percent (8,083) of the 39,520 persons of Samoan ancestry in the United States in 1980 were born in American Samoa. Therefore, the number of "American Samoans" or

"persons of American Samoan ancestry" was somewhere between 8,083 and 24,686 persons.

Consequently, we used published 1980 Census data to develop an overview of the socioeconomic condition of all Samoans in the United States and to compare their condition with that of (1) the U.S. total population; (2) American Indians, Eskimos, and Aleuts (as a group); (3) blacks; and (4) Puerto Ricans. We chose American Indians, Eskimos, and Aleuts because they constitute the majority of Native Americans under current federal legislation (1.5 million persons); and blacks and Puerto Ricans because the requesters asked us to address ethnicity in our scope of work. Blacks are the most numerous racial minority in the United States (26.5 million persons), and Puerto Ricans the most numerous ethnic group (2 million persons) who migrated from a U.S. insular possession. We excluded Native Hawaiians as a separate comparison group, except in our separate analysis of Samoans in Hawaii, because the majority of Native Hawaiians (70 percent) lived in a single state (Hawaii) in 1980.

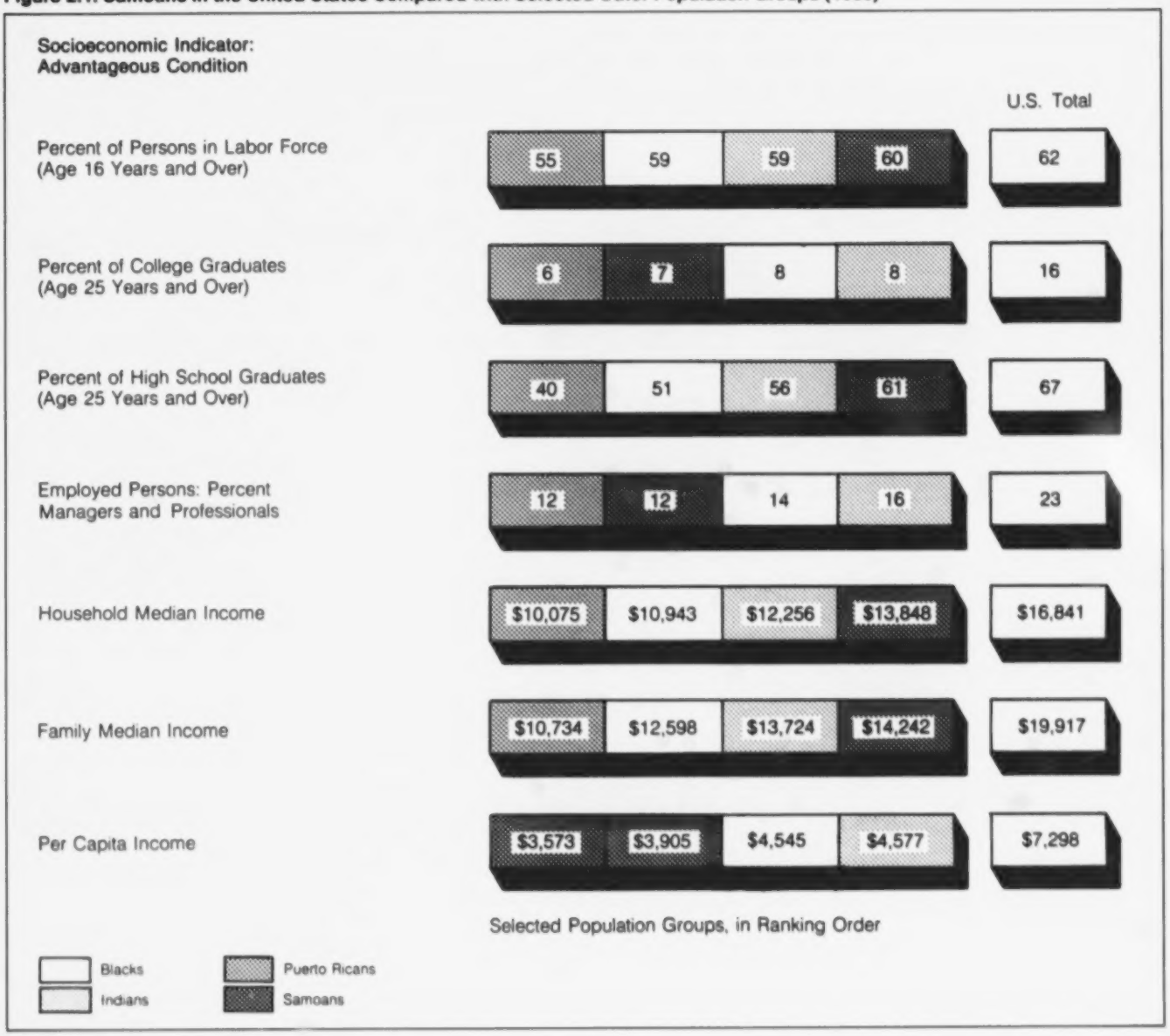
To develop an overview of all Samoans and the comparison groups we analyzed, we selected 14 broad socioeconomic or demographic indicators (see fig. 2.1 and table I.2), focusing on income, poverty, receipt of public assistance, labor force participation, unemployment, education, age, and head-of-household composition. These indicators were chosen because either JTPA specifically cites them as criteria for determining economic disadvantage and program eligibility or the data help illustrate factors that may contribute to such disadvantage. We then compiled published Census data for these 14 indicators and compared Samoans' condition with that of selected other groups. A detailed discussion of our comparison and results for each of the 14 indicators appears in appendix I. Definitions for such terms as household, family, and per capita income, poverty, and public assistance income appear in the glossary. Following are highlights of our results.

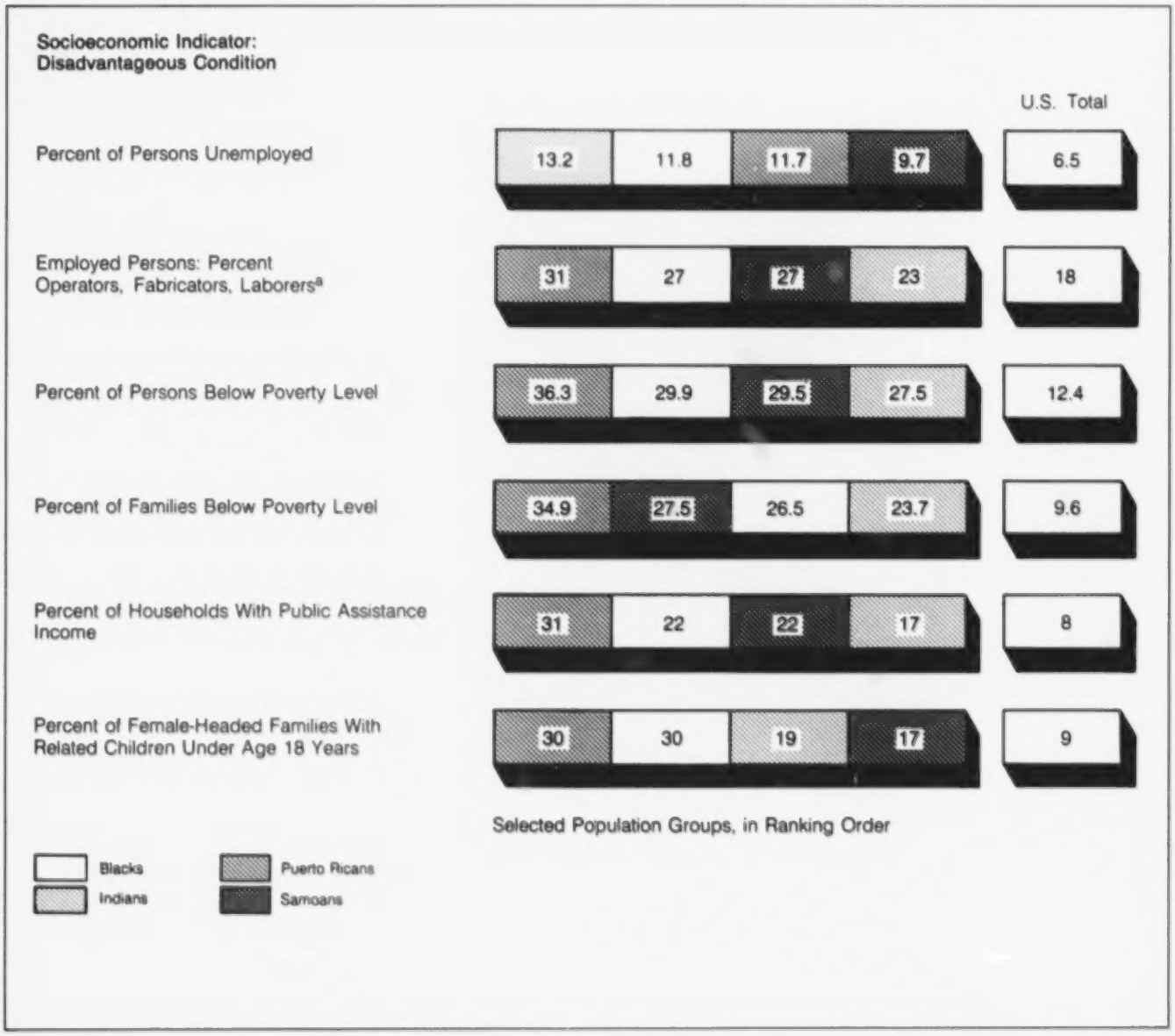
- The median household and family incomes of Samoans in the United States in 1979 were lower than those of the U.S. total population but higher than those of American Indians, Eskimos, and Aleuts, blacks, and Puerto Ricans. However, Samoans' per capita income was lower than any other comparison group we analyzed.
- Samoans in the United States had a higher proportion of families below the poverty level in 1979 than did the U.S. total population; were as likely to be poor as blacks and more likely than American Indians, Eskimos, and Aleuts; but were less likely to be poor than Puerto Ricans.

- Proportionately more Samoan households in the United States were receiving public assistance income in 1979 compared with the U. S. total population.
- Samoans were more likely to receive public assistance income than American Indians, Eskimos, and Aleuts and as likely to receive assistance as blacks, but less likely than Puerto Ricans.
- The percent of Samoans in the labor force in 1980 was similar to the U.S. total population, as well as to the percent of American Indians, Eskimos, and Aleuts, and blacks, but greater than Puerto Ricans.
- In 1980, Samoans were more likely to be unemployed than the U.S. total population but had lower unemployment rates than American Indians, Eskimos, and Aleuts, blacks, and Puerto Ricans.
- A lower proportion of Samoans (age 25 years and over) were high school graduates in 1980 than the U.S. total population but they had a higher proportion of graduates than American Indians, Eskimos, and Aleuts, blacks, and Puerto Ricans.
- The percent of Samoans (age 25 years and over) who had completed 4 or more years of college was similar to that of Indians, Eskimos, and Aleuts, blacks, and Puerto Ricans. All groups had substantially lower rates than the U.S. total population.
- The median age of Samoans in 1980 was far younger than the U.S. total population and younger than American Indians, Eskimos, and Aleuts, blacks, and Puerto Ricans.
- As of 1980, Samoan women in the United States had a substantially higher fertility rate than women in the U.S. total population, and than American Indian, Eskimo, Aleut, black, and Puerto Rican women.
- In 1980, Samoans had a substantially higher proportion of female-headed families with children under age 18 than did the U.S. total population but a lower proportion than American Indians, Eskimos, and Aleuts, blacks, and Puerto Ricans.

The results of our analysis for all indicators except age and fertility are summarized in figure 2.1. For ease of presentation and comparison, we have grouped the indicators by those in which the higher the value the more advantageous the condition (e.g., per capita income) and those in which the higher the value the more disadvantageous the condition (e.g., percent of persons unemployed).

Figure 2.1: Samoans in the United States Compared with Selected Other Population Groups (1980)





[a] "Disadvantageous" in Terms of Lower Average Earnings When Compared to Managers and Professionals.

Source: Compiled by GAO From 1980 Census of Population Published Data.

Samoans in California and Hawaii

In California, the socioeconomic picture of Samoans in 1980 (18,100 persons) compared with other population groups in that state was somewhat similar to that of the relative situation of Samoans in the United States. That is, Samoans were better off than American Indians, Eskimos, and Aleuts, and blacks for some indicators (e.g., median household and family incomes) and worse off or the same for some others (e.g., proportion in poverty). However, unlike the overall U.S. situation in which Puerto Ricans were worse off than Samoans for almost all indicators, Samoans in California were worse off than Puerto Ricans there for 8 of the 14 indicators we analyzed. Samoans also had the lowest proportion of college graduates, the highest proportion of families in poverty, and the lowest per capita income among the groups we analyzed in California.

In Hawaii, its 14,300 Samoans were the population group with the highest proportion in poverty, the lowest median household and family incomes, and the lowest proportion of high school graduates among the groups we analyzed.

A far larger proportion of Samoans in Hawaii were poor than were Samoans in California and in the United States as a whole. This may be so partly because the Samoans in Hawaii—compared with their counterparts in California and all Samoans in the United States—were a younger population and more poorly educated, with more female-headed families with related children under age 18 years, a higher fertility rate, and a higher proportion of recent migrants to the United States. (For about the first decade after their arrival in the United States, immigrants generally are economically worse off than the rest of the population, but their situation improves substantially thereafter, studies have shown.)

Regarding Samoan migrants in Hawaii, Census data show that among some 14,000 Samoans in Hawaii in 1980, close to one-third were born in American Samoa and about one-fourth in Western Samoa. Of the Samoan-born, about 30 percent arrived in the United States during the period 1975-80. Compared with Samoans in Hawaii who were born in the United States, the Samoan-born had higher proportions of female-headed families with related children under age 18 years and higher fertility rates and (for persons 25 years and over) were less likely to have completed high school or college. In part because of these factors, the Samoan-born were an economically more disadvantaged population; e.g., they were more likely to be living below the poverty level and had lower median household and family incomes. (Comparisons involving U.S.-

born Samoan adults in Hawaii should be regarded with some caution due to the relatively small number of persons involved. There were about 800 U.S.-born Samoans age 20 and over in Hawaii in 1980 and about 1,500 U.S.-born Samoans age 15 and over.)

One exception to the Samoan-born being more disadvantaged involved per capita income. At $1,107, the per capita income of Samoans in Hawaii born in the United States was far lower than the per capita income of Samoans born in American Samoa ($3,544) and Western Samoa ($4,001). This may be explained primarily by the large proportion of persons under age 15 among Samoans born in the United States (72 percent), in contrast to the proportions of youth under 15 born in American Samoa (28 percent) and Western Samoa (23 percent).

GAO Observations

Our analyses of the latest available published and unpublished data from the 1980 Census of Population show that the approximately 40,000 Samoans residing in the United States in 1980 were an economically disadvantaged population. The degree and extent of such disadvantage appears most severe when Samoans are compared with the total U.S. population of 226.5 million persons. But our analyses also show that, for virtually every one of the socioeconomic indicators we chose for comparison purposes (except per capita income), the 2-million Puerto Ricans in the United States were relatively more disadvantaged than the 40,000 Samoans. When we compared Samoans with other population groups such as American Indians, Eskimos, and Aleuts, or blacks, our analyses showed mixed results. By some indicators, Samoans were relatively better off; by others, they were worse off. Of the two states we concentrated on—California and Hawaii (where 82 percent of Samoans in the United States reside)—Samoans' economic disadvantage was most severe in Hawaii.

Samoans' socioeconomic disadvantage may be an indication of immigration-related problems typically associated with movement of people from one cultural and economic situation to another. American Samoans, for example, may be encountering no more severe problems than any other racial or ethnic group of immigrants confront during the first decade after arriving in a new country. The extent to which American Samoans have moved into the economic mainstream or continue to have socioeconomic problems perhaps associated with "cultural resiliency" (i.e., resistance to integration with their surrounding social and economic environment) can not be analyzed until after the 1990 Census

of Population. At that time, comparative data will be available to document whether the Samoans' relative economic situation has improved, worsened, or stayed the same.

Governor Comments

The Governor of American Samoa commented that our analysis of Samoans' socioeconomic conditions should have focused more directly on their situation in California and Hawaii where the majority of Samoans in the United States reside, rather than using nationwide data for the total U. S. population and selected population groups. The Governor also stated that Samoans' socioeconomic disadvantage provides adequate justification for inclusion of American Samoans in Native American programs. (See app. II for the Governor's comments.)

In our view, analysis of nationwide data is more appropriate than limiting such analysis to only two states. Nationwide data for all comparison groups is more likely representative of their relative and overall conditions in the United States, while data limited to only a few states distort the relative condition of comparison groups whose condition or proportion in that population may not be representative. For example, the majority of Native Americans (except Native Hawaiians) and Puerto Ricans—a comparison group we were asked to include in our review—live in states other than California and Hawaii. Focusing on those two states without analyzing nationwide data would not have disclosed our finding that Puerto Ricans in the United States were generally worse off than Samoans according to the indicators we selected. Furthermore, we used nationwide data for comparative purposes because the issue of potential Native American status for American Samoans is a national policy question affecting current Native American groups and other JTPA eligibles who reside throughout the United States.

We did discuss Samoans' conditions in California and Hawaii in some detail in chapter 2 and appendix I. In chapter 2, we have added several statements about Samoans' condition in California that highlight their condition as worse than other groups in that state for some of the indicators we used. As discussed in chapter 3, however, socioeconomic disadvantage unrelated to loss of native land has not been historically the primary basis for Native American designation.

Fundamental Differences Between Native American Groups and American Samoans

Fundamental differences distinguish American Samoans from Native American groups. Historically, Native Americans have resided on land that became part of the United States or in territory that was intended to and did become part of states. American Samoa, unlike the territory on which the other three groups resided, was (and still is) an unincorporated territory of the United States. It was not foreseen as becoming a state when the Congress formally ratified U.S. sovereignty over it in 1929 nor is it currently foreseen as such. Also, Native Americans are citizens of the United States, while federal law continues to define American Samoans generally as U.S. nationals.

The United States also has a special relationship with Native American groups. With Indians, this is generally referred to as a special trust relationship because the United States has legal obligations—a federal trust responsibility—to ensure the survival of their tribal governments and protect Indian land held in trust. The special relationship with Alaskan Natives, many of whom are Indians, and Native Hawaiians stems from U.S. acquisition of land once occupied by those natives and subsequent laws passed to either (1) compensate them for land taken or (2) set aside land for their benefit. Under current federal laws, the common circumstance among Native Americans is special federal program assistance based on either (1) U.S. legal obligations as trustee or (2) diminished capacity of those natives to provide for themselves from their land.

Unlike the circumstances with Native Americans, the United States did not take American Samoan land at any time without compensation and appears to hold no American Samoan land or submerged land (water rights) in trust. Approximately 92 percent of the land still is owned by American Samoans and their descendants. In addition, the federal government has taken actions in recent years to promote social and economic development in American Samoa by including it in many federally sponsored programs that assist all U.S. territories. Although the United States has special political and economic relationships with its insular areas, these relationships do not create a special trust relationship like that between the United States and American Indians or its relationship with Alaskan Natives and Native Hawaiians.

Based on the above, we believe that legislation that would include American Samoans as Native Americans would be inconsistent with the past and present juridical relationship between the United States, Native Americans, and American Samoans.

American Samoans: U.S. Nationals From an Unincorporated Territory

The term "Native American" most aptly applies to American Indians, the aboriginal inhabitants of the North American continent. They reside on lands included within the boundaries of states of the United States. In the past, they resided in territory that either became part of the United States or was intended to and did become part of states of the United States. Native Hawaiians and Native Alaskans also reside in states of the United States, and prior to Hawaii and Alaska becoming states in 1959, resided in areas considered incorporated territories of the United States.

In a series of cases known as the Insular Cases, the Supreme Court attempted to characterize the relationship of various U.S. territories to the United States. These cases were provoked in part by the acquisition of the Philippines and Puerto Rico in the Spanish-American War. Although not specifically stated, it was at least suggested that incorporated territories eventually would become states of the United States, but unincorporated territories would not.[1] This in fact is what occurred. Of the two unincorporated territories involved, the Republic of the Philippines became an independent nation and Puerto Rico a commonwealth associated with the United States. On the other hand, Alaska and Hawaii, both incorporated territories, became states.

Unlike the former territories in which Native American groups resided, American Samoa is still considered an unincorporated territory of the United States. It was not foreseen as becoming a state when U.S. sovereignty was formally ratified in 1929, and currently is not foreseen as such.

Citizenship also distinguishes American Samoans. American Samoans generally are classified as U.S. nationals but not U.S. citizens. American Indians, Native Alaskans, and Native Hawaiians, however, are classified as U.S. citizens.

[1]See Downes v. Bidwell, 182 U.S. 244, 318-19 (1901).

U.S. Responsibilities Toward American Indians Involve Trust Obligation

The principle of a special trust relationship between Indian tribes and the United States evolved from the treaty negotiation process between 1778 and 1871. Under the Constitution, treaties are the supreme law of the land, and the statutes pertaining to Indians are afforded the same dignity under the Constitution as are treaties.

In its dealings with Indian tribes, the consistent policy of the federal government has been to grant to them a portion of the land they occupied, extinguish their aboriginal title to the remainder of the lands by placing such lands in the public domain, and compensate Indians for the value of the land titles extinguished.

Treaties with the Indians frequently called for the United States to deliver goods and services to tribes as part of the exchange for Indian land. Also, provisions commonly were made for health and education services. As a result of such treaty provisions and subsequent federal legislation, the federal government now provides a wide variety of service programs to Indians.

Treaty-making with the Indians ended in 1871 when the federal government began dealing with Indian tribes through agreements, statutes, and executive orders that had legal ramifications similar to treaties. Existing treaties were validated, and subsequent agreements and statutes also became the supreme law of the land, creating rights and liabilities virtually identical to those established by treaties.

From 1831 to the present, the Supreme Court has played a major role in shaping the judicial evolution of the concept of federal trust responsibility to Indians. Trust principles first articulated in 1831 continue to be applied to establish Indian rights.

The basic principle of a U.S. trust obligation to protect Indians remains, more than 150 years after first being discussed in the Supreme Court decision, Cherokee Nation v. State of Georgia (30 U.S. [5 Pet.] 1 [1831]). This trust obligation results in the protection of Indian tribal self-government, protection of Indian property interests, and the provision of federal services and programs for Indian tribes and individuals through programs such as JTPA.

U.S. Special Relationship With Alaskan Natives, Native Hawaiians

A special relationship between the United States and Alaskan Natives (including Eskimos and Aleuts) began when the Congress approved an 1867 treaty through which the United States acquired Alaska. Alaskan Natives were specifically included with American Indians in the 1934 Indian Reorganization Act as amended in 1936 and since then have been included with American Indians in selected federal legislation and service programs. Since the 1971 Alaskan Native Claims Settlement Act, Alaskan Natives have been expressly included among the beneficiaries in major Indian legislation. (The 1934 act extended indefinitely federal trust responsibilities for lands of Indians, Aleuts, and Eskimos but specifically excluded U.S. insular possessions such as American Samoa from the act's coverage.)

The United States' special relationship with Native Hawaiians began when the Congress annexed the islands of Hawaii as part of the United States in 1898 through a joint resolution of annexation. Native Hawaiians are considered people indigenous to the United States. Subsequently, the Congress recognized a special relationship with certain full-blooded Native Hawaiians in 1921 when it enacted the Hawaiian Homes Commission Act of 1920.

At the time the United States annexed Hawaii, the Hawaiian monarchy, chiefs, and government owned alienable title to 99 percent of all land. The remaining 1 percent consisted of small plots owned by approximately 8,000 farmers, most of whom were effectively excluded from the mainstream of the economy, had lost ownership of most privately held land, and had been reduced to a minority of the inhabitants of the Hawaiian kingdom. Consequently, the 1920 Hawaiian Homes Commission Act set aside approximately 200,000 acres under jurisdiction of the Hawaiian Homes Commission—the governor of the territory and members appointed by him—to enable persons of at least 50-percent Native Hawaiian ancestry to return to pastoral life.

When Hawaii became a state in 1959, the United States transferred its title to Hawaiian Homes Commission lands to the state of Hawaii as a condition of statehood. The state was given administrative powers over the land and in return accepted a trust responsibility for that land, which it retains today.

Until 1974 when Native Hawaiians were included in the Native American Programs Act, they were not specifically included in bills and laws providing services to Native Americans. Both the 1974 Act and JTPA use a more expansive definition of the term Native Hawaiian than that used

by the 1920 Hawaiian Homes Commission Act. While the 1920 act limits assistance to persons of at least 50-percent Native Hawaiian ancestry, the 1974 act and JTPA state that "Hawaiian native" means any individual, any of whose ancestors were natives, prior to 1778, of the area that now comprises the state of Hawaii.

In a related development, the Native Hawaiians Study Commission Act, enacted in 1980, established a commission to study the culture, needs, and concerns of Native Hawaiians and to report the study results. The commission's 1983 report addressed, among other matters, whether Native Hawaiians were entitled to compensation for loss of land or sovereignty. As part of that discussion, the commission considered whether there was a special trust relationship between the natives of Hawaii and the United States arising from statutes or other laws. At most, the commission concluded, there was a very limited trust relationship, but that neither this nor any other circumstances was a basis for compensation. A minority report, taking exception to the conclusion on compensation, declared that the United States had at least an implied fiduciary trust responsibility toward Native Hawaiians and recommended that the Congress resolve compensable Native Hawaiian claims. Regardless of the viewpoint, both the majority and minority focused primarily on such factors as treaties, statutes, and potential compensation associated with loss of land or sovereignty, not socioeconomic disadvantage, as the basis of the special relationship.

American Samoan Land Treated Differently

U.S. protection of American Samoans' occupancy and continuous title to their land during the 1900-87 period is significantly different than the circumstances with respect to Native Americans that led to federal assistance programs for them. The United States first obtained sovereignty over American Samoa through an 1899 international convention (treaty) and later accepted sovereignty over the islands from Samoan chiefs in 1900 and 1904. The U.S. Government (Navy) took immediate action after the 1900 Samoan Deed of Cession and the ceremony proclaiming U.S. sovereignty to protect American Samoans' title to their land. Less than 2 weeks after the April 17, 1900, ceremony, the Navy commandant for American Samoa—who had total civil, judicial, and military authority on behalf of the President—issued a Native Lands Regulation[2] that prohibited the alienation (transfer of title) of native land in American Samoa to non-Samoans. A nonalienation provision was incorporated into the American Samoa Code (law) in 1949 before the

[2]Regulation No. 4-1900, enacted April 30, 1900, by B. F. Tilley, Commander, U.S. Navy, Commandant.

Department of the Interior assumed responsibility for overseeing American Samoa in 1951. This statutory restriction against transfer of land to those not of Samoan ancestry was in effect through the time of American Samoa's first constitution in 1960 and the most recent constitution in 1967, and remains in effect today.

As long ago as 1913, in response to an inquiry about land for homesteading, the Navy advised at least one U.S. citizen that there were no public or crown (government) lands in American Samoa, and that nearly all the land was owned by native Samoans. Internal Navy Department correspondence from the 1897-1915 period recognized that Samoan land is owned by whole families and descends to whole families, not to individuals. The senior male member (matai) of a Samoan family has legal power to transfer land.

When the Congress ratified and confirmed the 1900 and 1904 Samoan cessions in 1929, it provided that the laws of the United States relative to public lands did not apply to land in American Samoa. This situation is significantly different from that of Hawaii. At the time of Hawaii's annexation by the United States in 1898, the absolute fee and ownership of all public, government, or crown lands were explicitly ceded and transferred to the United States as a condition of annexation. In 1961, Public Law 87-158 directed the Navy to transfer to the American Samoan government title to all U.S.-owned property in American Samoa within the Navy's jurisdiction.

Public Law 93-435 (Guam, Virgin Islands, American Samoa—Land Jurisdiction), enacted in October 1974, amended the 1963 Territorial Submerged Lands Act. This act conveyed all right, title, and interest of the United States in certain submerged lands (up to 3 geographical miles distant from the coastlines of the territories) of Guam, the Virgin Islands, and American Samoa to the governments of those territories, to be administered in trust for the benefit of the people of those territories.

While the United States retains the right to establish naval defensive sea areas and naval airspace reservations around and over the islands for such purposes as navigation, commerce, and international affairs, according to section 2 of the 1974 act, this right does not include American Samoans' proprietary rights of ownership. Section 6 of the act essentially reaffirms the United States' continued protection of American Samoans' land ownership rights, citing the April 17, 1900, cession of sovereignty and congressional ratification through the 1929 act.

We consider the 1900 Native Lands Regulation and the 1974 act to be particularly significant. First, uninterrupted retention of Samoan land titles by Samoans in our opinion essentially refutes any contention that the United States was a trustee of Samoan land or has a special trust relationship with American Samoans. Second, the 1974 legislation allows American Samoa to retain land ownership laws that are the basis for the Samoan culture, which the United States agreed to protect in 1900.

The United States has special political and economic relationships with its insular areas whereby U.S. policy encourages self-determined political, economic, and social development. These arrangements, however, do not create a special trust relationship like that between the United States and American Indians or its relationship with Alaskan Natives and Native Hawaiians.

Policy Implications of Designation and Definition

Amending JTPA to designate American Samoans as Native Americans would have policy implications for other federal programs. Such action would be, in effect, analogous to including them under the 1974 Native American Programs Act, as both laws include the same groups. Expanding the Native American Programs Act to include American Samoans could set a legislative precedent for eventually making them eligible for an extensive number of existing federal programs originally designed to serve only American Indians, Aleuts, and Eskimos. In 1985, for example, the Congressional Research Service reported to the Senate Select Committee on Indian Affairs that there were nearly 200 federal programs of assistance to American Indians.

By designating American Samoans as Native Americans, Congress might be creating a situation in which preferential treatment would be given to U.S. nationals (American Samoans born in American Samoa and living in the United States) but denied to U.S. citizens (such as persons born in the United States of Western Samoan ancestry)—even though other groups might be experiencing the same type or degree of socioeconomic hardship. This could raise an equal protection question under the fifth amendment to the U.S. Constitution, which generally requires that persons similarly situated be treated alike under the law. In particular, classifications based on race, ancestry, or national origin have been held to be inherently suspect and thus subject to strict scrutiny by reviewing

courts. Nevertheless, in view of the relatively low socioeconomic position of American Samoans, it would appear that it would be constitutional for them to receive benefits that other similarly situated groups do not receive.

In addition, any deliberations on designating American Samoans as Native Americans should include consideration of a related issue. At least three sources for definitions of "American Samoan" exist, including the definitions

- stated in the Government of American Samoa's American Samoa Code,
- derived from the U.S. Code, and
- proposed by the Department of the Interior in 1982.

Regarding the first two, we concluded during a previous review of American Samoa in 1978 that the definition of American Samoan in the American Samoa Code may include persons who are not U.S. nationals as defined in the U.S. Code. That is, a person may be an "American Samoan" as defined by the government of American Samoa but not a U.S. national as defined by the government of the United States. The third definition cited above contains elements of the American Samoa Code but is patterned more basically after the definition of "Native Hawaiian" found in the Native American Programs Act. In our opinion, the Congress would need to include a definition of American Samoan in any legislation including them as Native Americans.

Conclusions

The central question posed by the requesters—whether there is justification for the Congress to conclude that American Samoans are Native Americans—is a question involving congressional prerogatives and resolution. The Congress has legal authority to enact legislation or amend legislation such as JTPA to include American Samoans as Native Americans. However, we do not believe there is sufficient basis for such action. American Samoans do not have the principal characteristics that distinguish current Native American groups—being aboriginal inhabitants of lands that became parts of states of the United States and loss of ancestral land through acquisition by the United States. Furthermore, socioeconomic disadvantage has not been the primary justification for Native American status. If it were, blacks and Puerto Ricans, who have greater disadvantage in many respects than American Samoans, also could be considered. Therefore, we see no basis for legislation designating American Samoans as Native Americans.

Agency and Governor Comments

The Department of the Interior concurred with our findings. (See app. III for the Department's comments.)

The Governor of American Samoa commented that a special "trusteeship" relationship between the United States and American Samoans exists, or could be implied based on the following:

- the United States maintains political ties with the American Samoan government;
- the U.S. government's relationship with American Samoa includes political guardianship and protection of a dependent people, similar to that which prompted the Hawaiian Homes Commission Act in 1921;
- American Samoans' status as U.S. nationals is significant; and
- American Samoans share certain similarities with American Indians, such as being descendants of an aboriginal people whose territory is subject to U.S. sovereignty.

We recognize that the United States has what could be termed special political and economic relationships with American Samoa and other U.S. insular areas, through which U.S. policy encourages self-determined political, economic, and social development. These relationships do not, however, create a special trust relationship like that between the United States and American Indians or its relationship with Alaskan Natives and Native Hawaiians. Our review identified four circumstances contributing to Native American status for groups currently so designated—U.S. acquisition of native land, the setting aside of certain land for their benefit, U.S. legal obligations as trustee for land held in trust, and diminished capacity of natives to provide for themselves from their land. These circumstances did not occur in American Samoa.

Further, the Congress did not enact legislation for American Samoans analogous to the Hawaiian Homes Commission Act, and American Samoans in the islands continue to own and reside on the majority of land occupied by their ancestors—a situation significantly different from that of Native Americans. Likewise, American Samoans' continued status as U.S. nationals is a significant difference from, rather than similarity with, Native Americans' citizenship status.

Contractor Report on American Samoans' Problems, and Labor's Position

American Samoans should be designated as Native Americans to focus attention and additional resources on their unmet needs, according to a Department of Labor contractor.[1] Labor, however, took issue with the recommendation, stating that American Samoans could be served adequately by state and local JTPA programs. In that regard, we note that JTPA serves only a small portion of the total eligible population nationwide and presumably serves no single group "adequately" if large proportions of those eligible are unserved.

Labor also expressed concern that including American Samoans as Native Americans could set a precedent for including residents of other territories. In our view, including American Samoans as Native Americans for reasons other than the existence of a special trust relationship could set a precedent for including other groups.

Contractor Recommends Native American Status

In response to the JTPA Conference Report directive that Labor transmit to the Congress details of American Samoans' unemployment and poverty problems, along with recommendations, Labor submitted a report prepared by a contractor to the House and Senate on April 8, 1985. We reviewed the contractor's final report and four related commissioned papers.

The final report contained policy recommendations for

- "statutory recognition" of American Samoans' history and needs at the federal level (i.e., inclusion as Native Americans under JTPA title IV) and
- JTPA "set-asides" for American Samoans (i.e., increased congressional appropriations under title IV for American Samoans, above funds already appropriated for Native American programs).

According to the report, statutory recognition by the Congress of American Samoans as Native Americans would be "a critical first step in addressing the severe problems experienced by Samoans in the United States...a catalyst to focus attention on the Samoans' plight." A number of other events could systematically follow, the report said: (1) American Samoans' "invisibility" would diminish as programs began to keep records on the number of Samoans served—services could be accurately analyzed and service delivery systems changed to ensure "adequate participation"; (2) employment, training, and social service programs would

[1]Northwest Regional Educational Laboratory, Study of Unemployment, Poverty and Training Needs of American Samoans, Final Report (Portland, Ore.: July 1984).

be designed to meet the needs of local Samoan communities, and the number of bilingual Samoan professionals would increase; and (3) JTPA program costs would increase if additional funds above those appropriated for existing Native American groups were appropriated by the Congress.

Labor's Response to Contractor Report

In his April 1985 letters transmitting the contractor's July 1984 report to the Congress, the Under Secretary of Labor took issue with it, saying:

"The report's recommendations do not represent the opinion or policy of the Department of Labor.

"We believe that the contractor's two policy recommendations, as they relate to Departmental programs, are not justified. American Samoans residing in the States can be adequately served by State and local JTPA programs. The small size of their population and their geographic concentration further support this view. Moreover, we are concerned that the inclusion of American Samoans in the definition of Native Americans would set a precedent for the inclusion of other territorial residents who choose to reside in the United States."

The following year, Labor told the Congress that it did not believe American Samoans' needs warranted new initiatives or additional directions from the federal level. Labor expressed this view in a July 1986 report to the Senate Appropriations Committee, which had expressed concern over American Samoans' problems in its reports on Labor's fiscal year 1986 and 1987 budget requests. Under JTPA, Labor pointed out, states and local SDAs had discretion to determine priorities for targeting services to economically disadvantaged individuals and groups. Also, California and Hawaii were aware of and taking steps to address their resident American Samoans' needs, Labor said, and had authority to target funds if special circumstances warranted particular attention beyond other economically disadvantaged groups.

GAO Observations

In its July 1984 report, the Labor contractor discussed legal requirements for statutory recognition of American Samoans and referred to the Congress' "historical and legal obligation toward American Samoans" and "continuation of the United States exercise of its trustee role for American Samoans, a role formalized by treaty between the two nations." We discussed the contractor's statements on these points with Department of the Interior officials who administer the Secretary of the Interior's responsibilities in American Samoa and advise him on legal

matters involving all U.S. territories. According to the officials (who supplied other data supporting this):

1. The United States is not a trustee for any American Samoan land or water rights and has no "trust relationship" or "special trust relationship" with American Samoa, and

2. The relationship between the United States and American Samoa could be termed "special" without any legal obligation to consider American Samoans as Native Americans.

Because the United States has no special relationship with American Samoans similar to that with Native American groups, we concur with Labor's 1985 observation about the precedent that might be set by including American Samoans as Native Americans. U.S. citizens born in Guam, Puerto Rico, and the Virgin Islands and residing in the United States might legitimately question the rationale behind federal legislation that included American Samoans as Native Americans and provided special benefits to individuals with American Samoan ancestry, but did not provide similar status and benefits to Guamanians, Puerto Ricans, and Virgin Islanders.

Regarding Labor's statements about JTPA services to American Samoans, we have two observations:

- Evaluating the adequacy of California and Hawaii state and local JTPA services to American Samoans was not within the range of our review. No national-level data on the types and extent of JTPA services to American Samoans or the proportion of persons served in relation to the JTPA-eligible population were available, although state- and local-level data were. However, with respect to Labor's statement that state and local JTPA programs could adequately serve American Samoans, we note that recognized sources (including Labor) admit that JTPA nationwide is capable of serving only a small percentage of the eligible population. Therefore, unless American Samoans were specifically targeted for services, presumably they would be served in no greater proportion than any other group.
- Analyzing the policy issue of whether services to American Samoans in Hawaii and California would be better provided by the federal government (Labor) likewise was not included in our review. Therefore, we have no basis on which to take issue with Labor's stated position that present state and local government arrangements are more appropriate.

Should the Congress decide that the economic condition of American Samoans requires special attention under JTPA, we believe there are feasible alternatives to granting them Native American status. The Congress could, for example, either

1. amend JTPA to authorize employment and training programs targeted specifically for American Samoans in the United States, to be centrally administered at the national level by Labor or

2. direct the Secretary of Labor to use existing JTPA title IV-D research and demonstration project authority to fund projects that address American Samoans' particular employment and training needs.

Agency Comments

Labor concurred with our conclusion that Native American status for American Samoans appears unwarranted. It also stated that our report supports its position that American Samoans residing in the states can be adequately served by state and local programs. (See app. IV for the Department's comments.) However, evaluating the adequacy of state and local JTPA services to American Samoans was beyond the scope of our review, and our report contains no conclusion in that regard.

Labor also commented that in its opinion there are no data to support our observation about the extent to which American Samoans, unless specifically targeted for services, would presumably be served (compared with other groups). We based our observation on 1986 data from California and Hawaii (the two states with significant numbers of Samoans), which indicated that, except for three California SDAs and one in Hawaii where Samoans were targeted, Samoans were either served in accordance with their incidence in the eligible population (California) or unserved (Hawaii). The 1984 Labor study of Samoans cited barriers hindering their participation in JTPA programs, which would tend to limit their representation unless targeting was used.

Socioeconomic Conditions of Selected Population Groups in the United States, 1980

The following analyses summarize the results of GAO comparisons between Samoans in the United States and (1) the U.S. total population; (2) American Indians, Eskimos, and Aleuts (examined as a group); (3) Puerto Ricans; and (4) blacks. (As stated in chapter 1, the term United States refers to the 50 states and the District of Columbia, unless stated otherwise.) Comparisons also are made between Samoans in California and Hawaii and the other population groups. In Hawaii, we included Native Hawaiians as a comparison group because 70 percent of those who identified themselves as Hawaiian in the 1980 Census resided in Hawaii. Source data for the figures and tables in this appendix were obtained from the 1980 decennial Census, the most recent data available. (Some 1980 Census data—e.g., poverty and income—are based on calendar year 1979 information and are so indicated.)

Percent Below Poverty Level

A substantially larger proportion of Samoans in the United States lived in poverty in 1979 than the U.S. population as a whole (30 vs. 12 percent). However, Samoans were less likely to be poor than Puerto Ricans (36 percent), while as likely as blacks (30 percent). (About 28 percent of American Indians, Eskimos, and Aleuts were in poverty.)

The relative proportions of these population groups who were living in poverty remained the same (see fig. I.1) even when "family" (instead of individual person) was used as the unit of analysis.

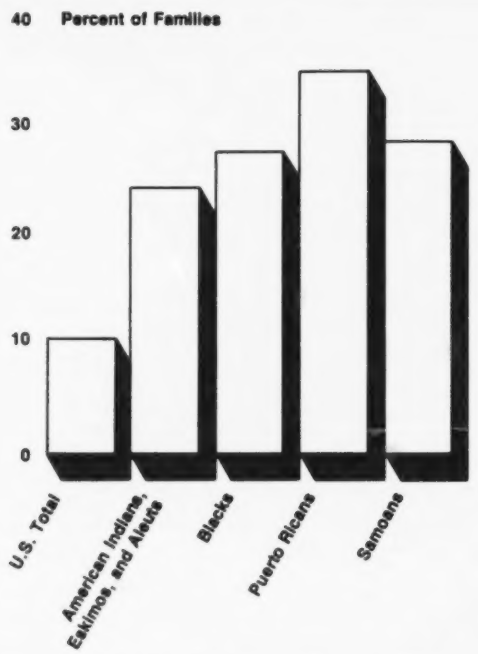
In California in 1979, a relatively large proportion of Samoans and blacks were poor (21 and 23 percent, respectively), while the proportion of Puerto Ricans and American Indians, Eskimos, and Aleuts in poverty was somewhat lower (18 percent for both groups), and the proportion of poor persons in the state as a whole was lower still (11 percent).

With almost 40 percent of their population in poverty, Samoans in Hawaii in 1979 were far worse off than blacks (16 percent poor), American Indians, Eskimos, and Aleuts (20 percent poor[1]), and Puerto Ricans (22 percent poor) in that state. (Eleven percent of persons residing in Hawaii were in poverty in 1979.)

The larger proportion of Samoans in Hawaii than in California or the United States who were poor may be accounted for partly by the fact that the Samoan population in Hawaii—compared with all Samoans in

[1]As there are only 2,976 American Indians, Eskimos, and Aleuts in Hawaii (based on a 1-in-6 sample), the statement concerning this group should be considered tentative.

Figure I.1: Families Below the Poverty Level, U.S. (1979)



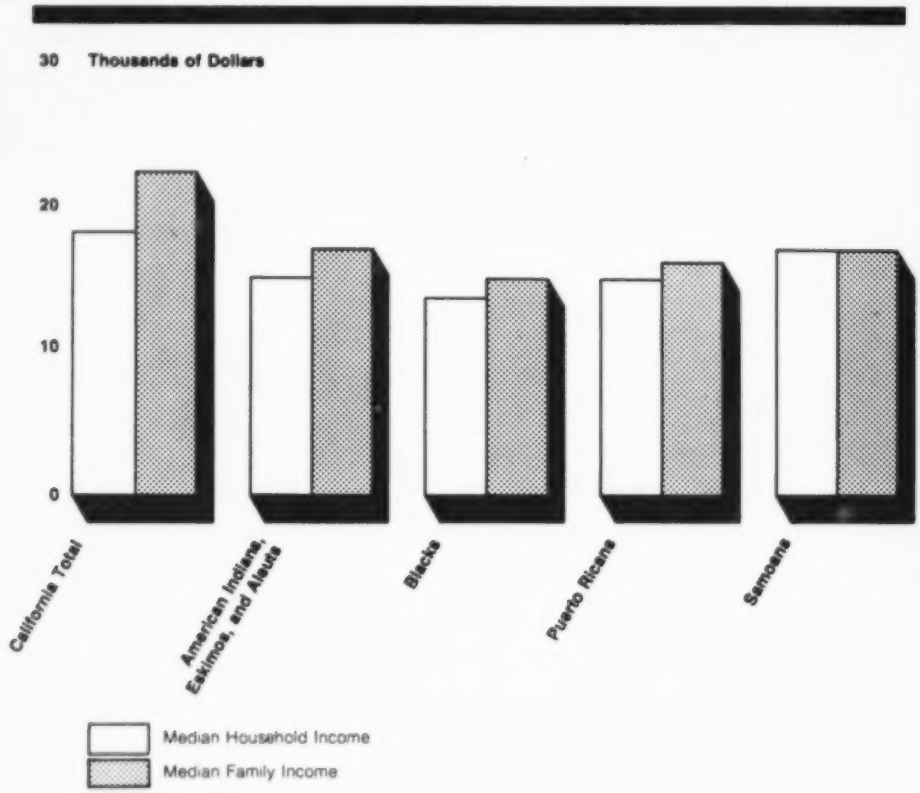
the United States—was a younger population, more poorly educated, with a higher proportion of recent immigrants, more female-headed families with related children under age 18 years, and a higher fertility rate.

Income

The median income of Samoan households in the United States in 1979 was lower than that of the U.S. population as a whole ($13,848 vs. $16,841) but higher than that of American Indians, Eskimos, and Aleuts ($12,256), blacks ($10,943), and Puerto Ricans ($10,075). Similarly, the median income of Samoan families was larger than that of American

Indian, Eskimo, and Aleut families, and black and Puerto Rican families.[2] As shown in figure I.2, there were comparable differences in household and family income among the population groups in California.

Figure I.2: Household and Family Income, California (1979)

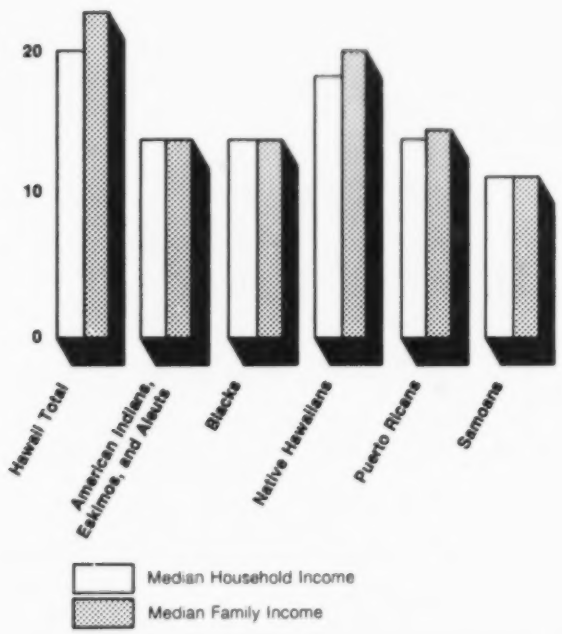


In Hawaii, however, Samoans' median household and family incomes ($10,742 and $10,662, respectively) not only were lower than those of the population of Hawaii as a whole, but also were lower than the median incomes of American Indians, Eskimos, and Aleuts, blacks and Puerto Ricans. The median incomes of Samoans also were lower than the

[2]Although Samoans had higher median family incomes than other population groups, they also had a higher proportion of families in poverty, partly because poverty levels are contingent on family size, and Samoans had larger families. For example, the average Samoan family size in 1979 was 5.08 individuals, in contrast to black families of 3.69. Since the poverty level in 1979 for a family of five was $9,023, for a family of four, $7,482, and for a family of three, $5,674, the Samoans on average were being measured against higher income levels than blacks. (Poverty levels are based primarily on determinations of consumption requirements of families by size of families. The levels are adjusted each year to reflect changes in the Consumer Price Index.)

median household and family incomes of Native Hawaiians. (See fig. I.3.)

Figure I.3: Household and Family Income, Hawaii (1979)



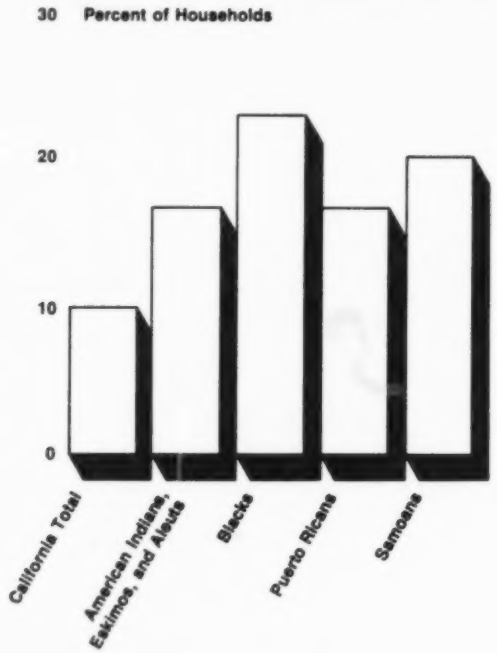
Primarily because of their larger household and family size, the per capita income of Samoans in Hawaii, California, and the United States as a whole was lower than the per capita income of American Indians, Eskimos, and Aleuts, and blacks. At $3,573, the per capita income of Samoans in the United States was about $1,000 less than the income of either of these groups and about $300 less than that of Puerto Ricans.

Public Assistance Income

Twenty-two percent of Samoan households in the United States were given public assistance income in 1979, the same proportion as blacks and considerably less than the proportion of Puerto Ricans (31 percent).

In contrast, 17 percent of American Indians, Eskimos, and Aleuts received public assistance income in 1979 as did 8 percent of the U.S. population as a whole. As shown in figures I.4 and I.5, a different picture emerges in both California (where a lower proportion of Puerto Rican households and a higher proportion of black households were on public assistance) and Hawaii (where Samoans were much more likely to have received public assistance income than the other population groups).

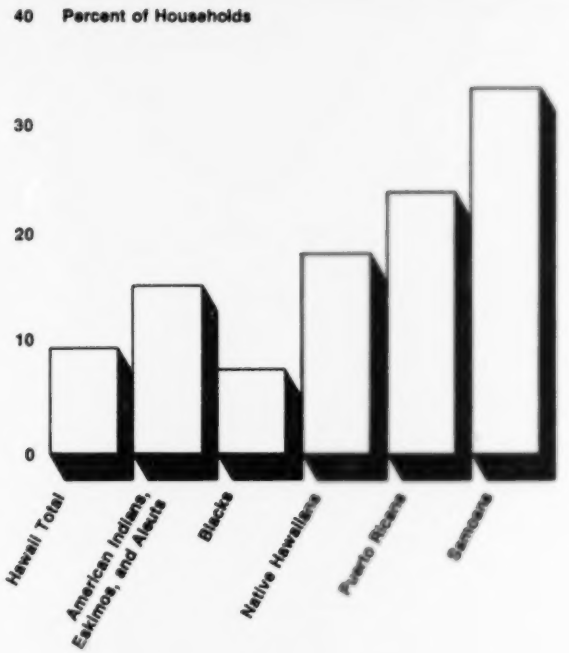
Figure I.4: Households on Public Assistance, California (1979)



Labor Force Status

Sixty percent of Samoans were in the U.S. labor force in 1980, about the same proportion as American Indians, Eskimos, and Aleuts (59 percent), blacks (59 percent), and the U.S. population as a whole (62 percent), but larger than the proportion of Puerto Ricans in the labor force (55 percent). Regarding unemployment levels, Samoans' unemployment rate (9.7 percent) was higher than that of the U.S. population as a whole (6.5

Figure I.5: Households on Public Assistance, Hawaii (1979)

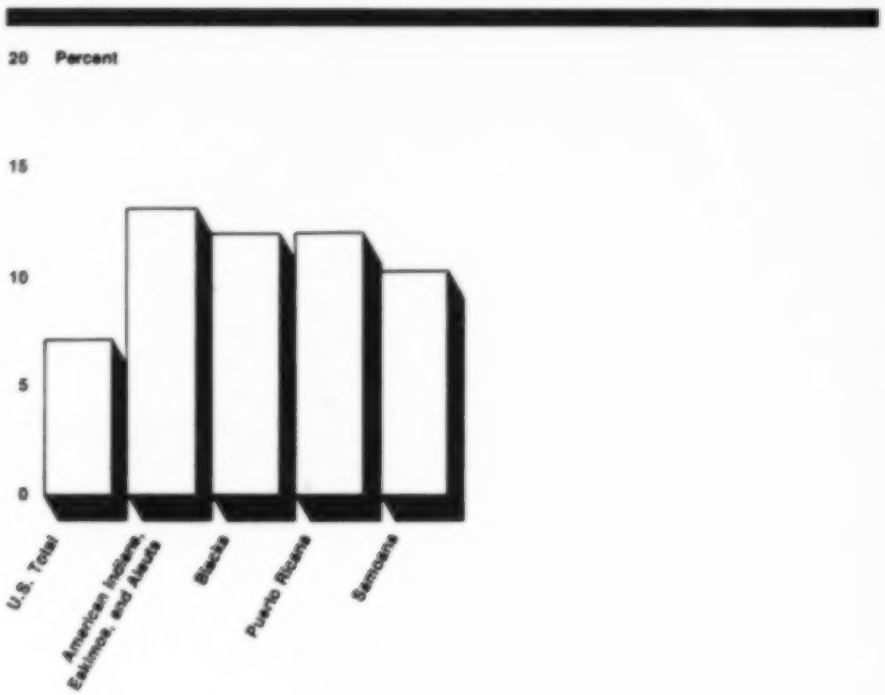


percent), but lower than the unemployment rates of any of the other groups considered here. (See fig. I.6.)

At 62 and 10.1 percent, respectively, both the labor force participation and unemployment rates of Samoans in California were higher than the rates for Samoans in the United States as a whole. In Hawaii, however, Samoans were less likely to be in the labor force (53 percent) than was the Samoan population in the United States, and Samoans were about as likely to be unemployed (10.2 percent).

In California, Samoans were a little less likely to be in the labor force than were American Indians, Eskimos, and Aleuts (64 percent) and Puerto Ricans (66 percent), but as likely as blacks to be labor force participants (62 percent). In Hawaii, a smaller proportion of Samoans were in the labor force than any of the other groups (72 percent of American Indians, Eskimos, and Aleuts, 86 percent of blacks, 63 percent of Native Hawaiians, and 60 percent of Puerto Ricans).

Figure I.6: Unemployment Rates, U.S. (1980)



As shown in figure I.7, the unemployment rate of Samoans in California was higher than that of Puerto Ricans but lower than other groups. In Hawaii, Samoans' unemployment rate was lower than that of blacks but higher than that of the other groups (see fig. I.8).

Figure I.7: Unemployment Rates, California (1980)

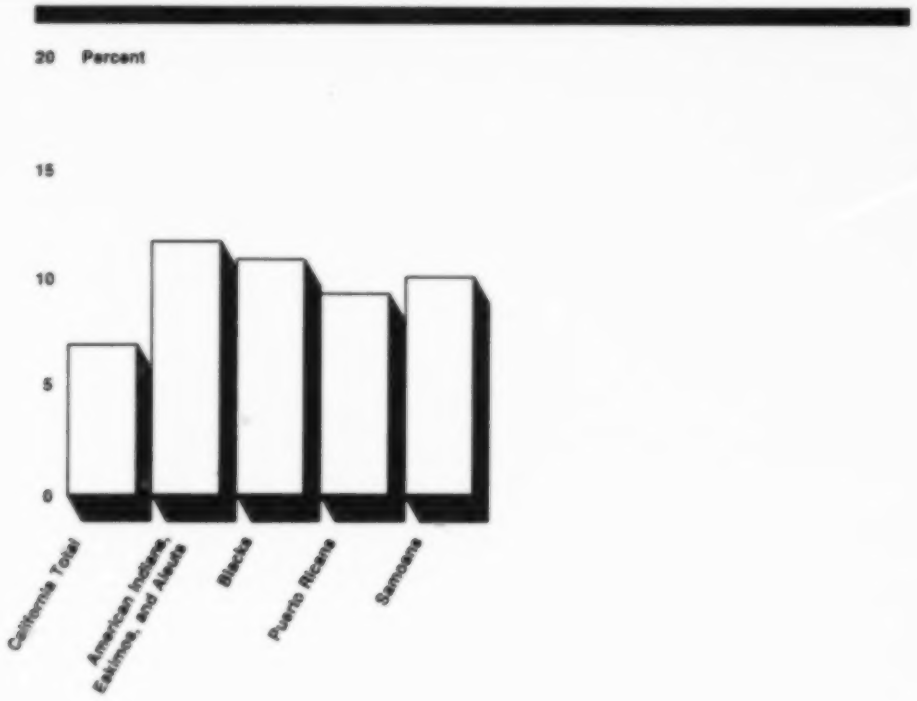
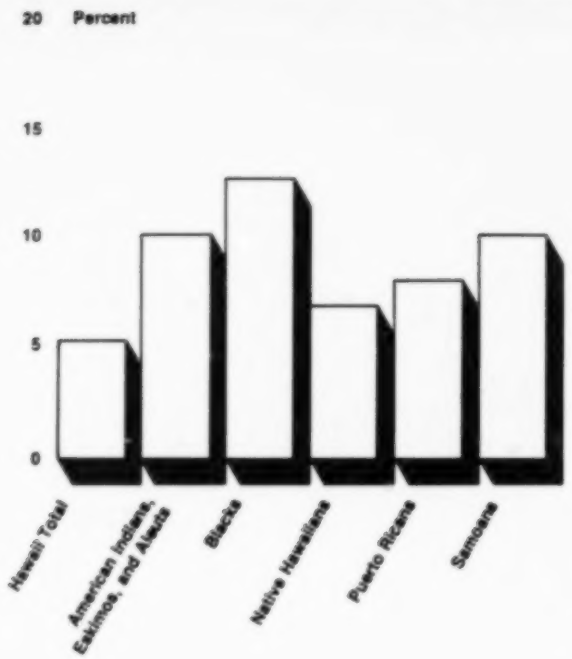


Figure I.8: Unemployment Rates, Hawaii (1980)



Occupation

Samoans in the United States in 1980—as well as blacks, Puerto Ricans, and American Indians, Eskimos, and Aleuts—were more likely to be in operator, fabricator, and laborer occupations and service jobs than was the case for the U.S. population as a whole. Samoans also were less likely to hold managerial and professional positions.

Compared with the relative situation of Samoans in the United States, a relatively larger proportion of Samoans in California were operators, fabricators, and laborers than were blacks, Puerto Ricans, and American Indians, Eskimos, and Aleuts. A relatively smaller proportion of Samoans were managers and professionals. This was generally true for Samoans in Hawaii as well. (See table I.1.)

Table I.1: Proportions of Persons in Managerial and Professional Occupations, and in Operator, Fabricator, and Laborer Occupations, United States, California, and Hawaii (1980)

Figures are percents

	United States		California		Hawaii	
	Managers[a]	Operators[b]	Managers[a]	Operators[b]	Managers[a]	Operators[b]
Total	23	18	25	15	24	12
American Indians, Eskimos, and Aleuts	16	23	17	19	15	14
Blacks	14	27	18	17	21	12
Native Hawaiians	•	•	•	•	16	19
Puerto Ricans	12	31	16	22	9	23
Samoans	12	27	11	30	11	25

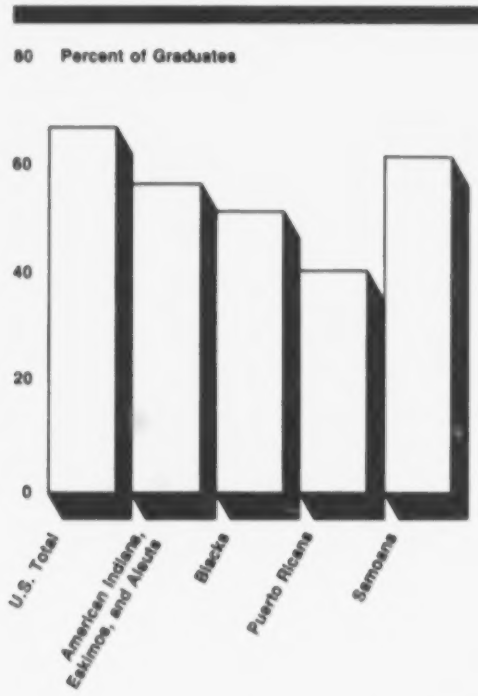
[a]Includes managers and professionals.

[b]Includes operators, fabricators, and laborers.

Education

Among persons age 25 years and older, 61 percent of Samoans in the United States in 1980 were high school graduates, compared with 67 percent for the U.S population of that age group. High school graduation rates for American Indians, Eskimos, and Aleuts, Puerto Ricans, and blacks, all of whom had lower graduation rates than did Samoans, are shown in figure I.9.

Figure I.9: High School Graduates Age 25 and Over, U.S. (1980)

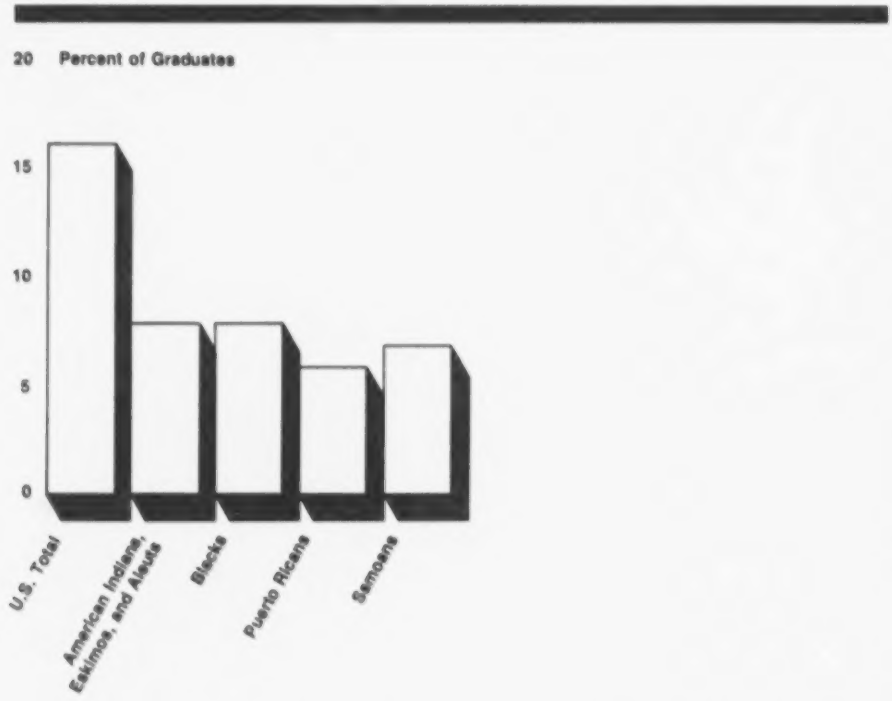


Unlike Samoans in the United States as a whole, Samoans in California had a lower high school graduation rate (64 percent) than did blacks and American Indians, Eskimos, and Aleuts (69 and 66 percent, respectively). Samoans also had a lower high school graduation rate than did all persons in California (74 percent). (However, Samoans had a 7 percentage-point higher graduation rate than Puerto Ricans.) In Hawaii, the difference in graduation rates between the Samoan population and blacks, American Indians, Eskimos, and Aleuts was substantially larger, as Samoans had a lower graduation rate (51 percent), and the other groups had higher rates (92 and 84 percent, respectively). Also, 68 percent of Native Hawaiians (age 25 and over) were high school graduates, compared with 54 percent of Puerto Ricans and 74 percent of all persons in Hawaii in this age category.

As shown in figure I.10, only 7 percent of Samoans age 25 and over in the U.S. were college graduates[3] in 1980. The college graduation rates for Puerto Ricans was 6 percent, and for American Indians, Eskimos,

[3]The data (1980 Census) refer to "4 or more years of college."

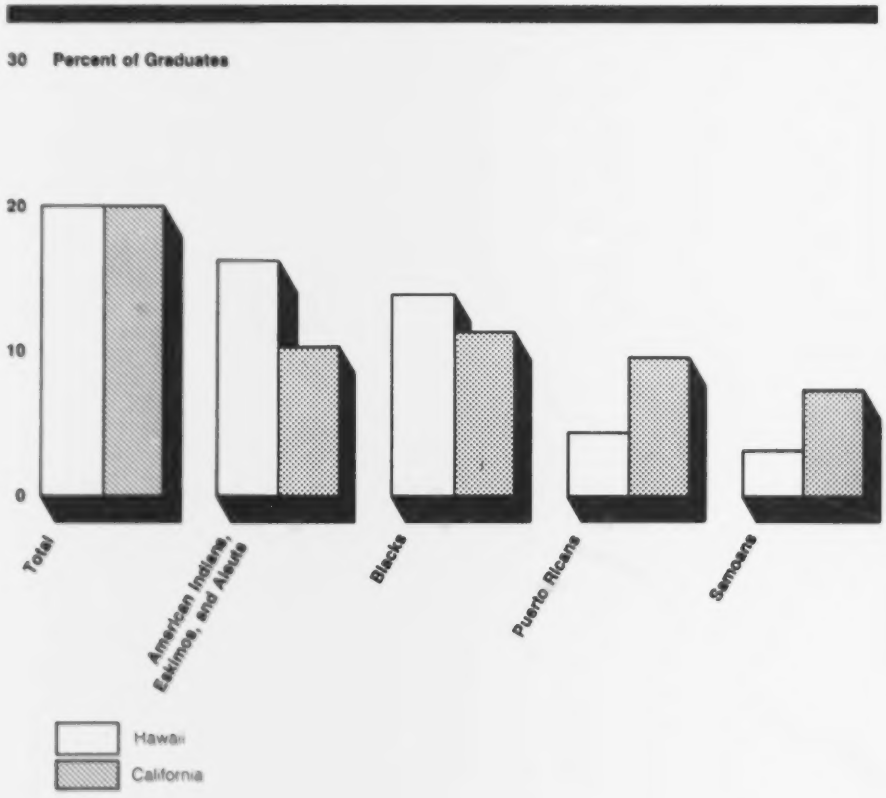
Figure I.10: College Graduates Age 25 and Over, U.S. (1980)



and Aleuts and blacks, it was 8 percent. All were substantially lower than the college graduation rate for the U.S. population as a whole (16 percent).

The proportion of Samoan college graduates in California was the same as their proportion in the United States as a whole, but in Hawaii the proportion was lower (3 percent). In both California and Hawaii, the college graduation rates of blacks and American Indians, Eskimos, and Aleuts were higher than for these population groups in the United States as a whole, as shown in figure I.11.

Figure I.11: College Graduates, California and Hawaii (1980)



Demographic Indicators

Age

Samoans in the United States are a young population. In 1980, their median age was 19.2 years, compared with 30.0 years for the U.S. population as a whole, 23.4 years for American Indians, Eskimos, and Aleuts, 24.9 years for blacks, and 22.3 years for Puerto Ricans. The median age of the population groups in California and Hawaii is shown in figures I.12 and I.13. Again, Samoans are the youngest group.

Figure I.12: Median Age, California (1980)

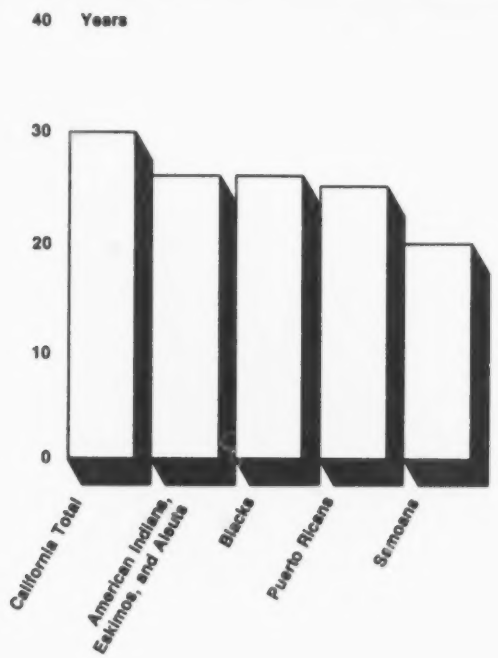
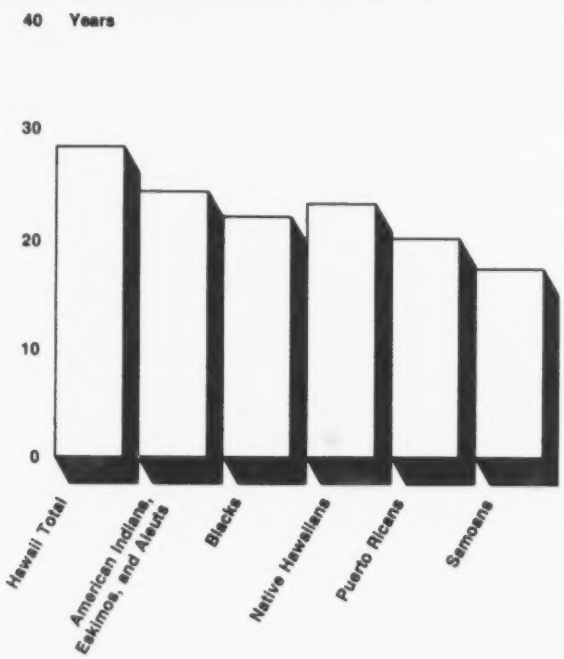


Figure I.13: Median Age, Hawaii (1980)



The young age, on average, of Samoans accounts in part for Samoans' lower personal income, as young people are more likely to be new or recent entrants into the labor force and therefore have lower earnings for a full year's work, and are more likely to be in the labor force part-time or part-year. The relatively large number of Samoans who came to the United States during 1975-80 may also explain Samoans' lower per capita income in 1980, because it takes time for new arrivals to adjust to the U.S. labor market. Further, Samoans' relatively large family size accounts in large part for their lower per capita income.

The lower per capita income of Samoans in Hawaii than that of Samoans in California or the United States as a whole reflects in part their higher proportion of recent immigrants, larger family size, and higher percentage of female-headed families with children under age 18. The last factor also partly accounts for their higher poverty rates, as women on average earn less than men, and female-headed families have fewer workers per family.

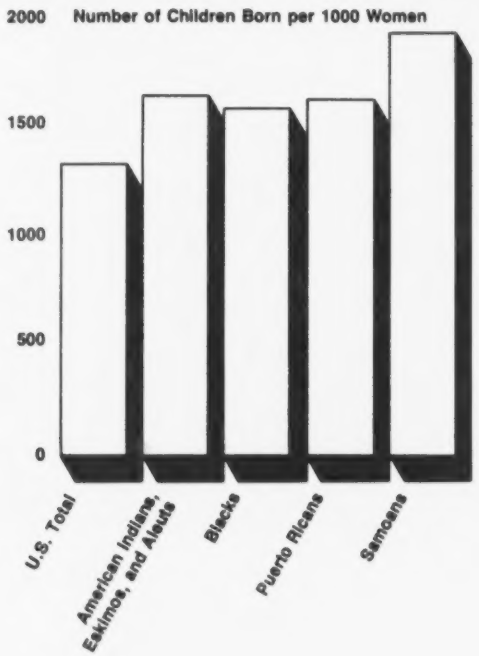
Residence Abroad

Nearly one-fifth of Samoans in the United States in 1980 were living outside the United States in 1975. (It could be assumed that most of this population had migrated from Samoa to the United States during this 5-year period.) In contrast, about 10 percent of Puerto Ricans lived abroad in 1975, as did about 1 percent of blacks. Compared with all Samoans in the United States, Samoans in Hawaii were more likely to have resided outside the United States in 1975 (22 percent), while Samoans in California were less likely to have resided abroad (14 percent).

Fertility

As shown in figure I.14, Samoan women in the United States in 1980 had higher fertility rates than American Indians, Eskimos, and Aleuts, blacks, and Puerto Ricans and lower rates than Samoan women in Hawaii. (As of 1980, there were 1,918 children ever born per 1,000 Samoan women age 15-44 in the United States compared with 2,039 children ever born per 1,000 Samoan women in that age group in Hawaii.)

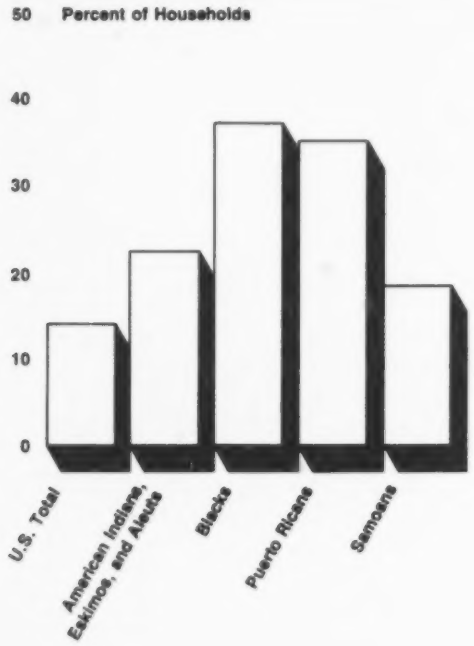
Figure I.14: Children Ever Born Per 1,000 Women Age 15-44, U.S. (1980)



Female-Headed Households[4]

There was a smaller proportion of female-headed households among Samoans in the United States than among American Indians, Eskimos, and Aleuts, blacks, and Puerto Ricans (see fig. I.15). While Samoans in California had a smaller proportion of female-headed households (15 percent) than Samoans in the United States as a whole (18 percent), Samoans in Hawaii had a considerably larger proportion (27 percent).

Figure I.15: Female-Headed Households, U.S. (1979)



Similarly, there was a smaller percentage of female-headed families with children under age 18 among Samoans in the United States (17 percent) than among the other population groups (19 percent of American Indian, Eskimo, and Aleut families and 30 percent of Puerto Rican families). For Samoans in California, the proportion was 14 percent, which also was lower than for the other groups; but for Samoans in Hawaii, it was 25 percent, a larger proportion than for the other populations.

[4]Excludes cases where a female is considered the head of household even though a husband was present.

Samoans in Hawaii

Data from the 1980 Census show that among some 14,000 Samoans in Hawaii in 1980, close to one-third were born in American Samoa and about one-fourth in Western Samoa. Of the Samoan-born, about 30 percent came to the United States during the period 1975-80.

Compared with Samoans in Hawaii who were born in the United States, Samoans born in American or Western Samoa were an economically more disadvantaged population.[5] For example, they were more likely to be living below the poverty level and had lower family and household median incomes. Also, they were less likely than Samoans in Hawaii who were born in the United States to be working in managerial and professional jobs and more likely to be in operator, fabricator, and laborer occupations.

The economic situation of Samoans in Hawaii who were born in Samoa may reflect in part the fact that smaller proportions than the U.S.-born (for those age 25 years and over) were high school and college graduates. In addition (as noted above), about 30 percent of the Samoan-born were relatively recent entrants to the United States. This also may explain in part the economic difficulties of those born in Samoa, as studies have shown that for about the first decade after arrival in the United States, immigrants generally are badly off economically (but their situation improves substantially thereafter).[6]

It should be noted, however, that in Hawaii in 1980 the unemployment rate of Samoans who were born in the United States was similar to the unemployment rates of those born in American Samoa and Western Samoa (10.4, 10.3, and 10.8 percent, respectively). This is unexpected, in view of the above comments. (Because the number of unemployed Samoans in Hawaii who were born in the United States is so small [75],[7] an error by a few persons in reporting labor force behavior may partly account for the 10.4-percent unemployment level.)

[5]Only 28 percent of Samoans in Hawaii who were born in the United States were 15 years and older in 1980. Since the number of "adults" are relatively few, the following statements should be considered tentative.

[6]Barry R. Chiswick, "The Economic Progress of Immigrants: Some Apparently Universal Patterns," in Barry R. Chiswick, ed., The Gateway: U.S. Immigration Issues and Policies (Washington, D.C.: American Enterprise Institute, 1982). Cited in Ellen Sehgal, "Foreign Born in the U.S. Labor Market: The Results of a Special Survey," Monthly Labor Review, July 1985 (pp. 18 and 23).

[7]As determined by a one-in-six sample.

Also, at $1,107 the per capita income in 1979 of Samoans who were born in the United States was far lower than the per capita income of Samoans born in American Samoa ($3,544) and Western Samoa ($4,001). This may be explained by the large proportion of persons under age 15 among Samoans born in the United States (72 percent), compared with the proportions of youth under age 15 born in American Samoa (28 percent) or in Western Samoa (23 percent).

Comparing Samoans in Hawaii who were born in American Samoa with those born in Western Samoa, the Western Samoans generally were economically better off. For example, 35 percent of the Western Samoan-born families were in poverty versus 42 percent of the American Samoan-born families. The Western Samoans also had higher family and household median incomes and a higher per capita income.[8]

As noted in table I.2, our comparison between persons in Hawaii who were born in American Samoa and Samoans born in the United States show that the former were worse off for almost every socioeconomic indicator examined. For example, Samoans born in American Samoa were more likely to be living in poverty; they had lower family and household median incomes; their high school and college graduation rates were lower; and they had more female-headed families with related children under age 18 years. (As noted, generally they also were worse off than Samoans born in Western Samoa, although the Western Samoans, too, were worse off than the Samoans born in the United States.)

[8]Western Samoan migrants to the United States may be better off because they are more likely to graduate from college than American Samoan migrants, albeit the proportions are low for both groups (4 and 2 percent, respectively). Western Samoan migrants also have smaller households and a smaller proportion of female-headed families with related children under age 18 years.

Table I.2: Selected Socioeconomic Indicators, Hawaii (1980)

Socioeconomic indicators	Samoans in Hawaii born in		
	United States	American Samoa	Western Samoa
Percent of families below poverty level	9.3	42.0	35.3
Percent of persons below poverty level	35.6	47.6	38.2
Household median income	$15,469	$9,776	$11,392
Family median income	$15,714	$9,719	$11,329
Per capita income	$1,107	$3,544	$4,001
Percent of persons in labor force (age 16 years and over)	55.0	48.3	56.1
Percent of labor force unemployed	10.4	10.3	10.8
Employed persons:			
Percent managers and professionals	16	10	10
Percent operators, fabricators, and laborers	12	36	22
Percent high school graduates (age 25 years and over)	71	49	48
Percent college graduates (age 25 years and over)	8.4	2.2	3.7
Median age (years)	9.2	25.5	26.5
Children ever born per 1,000 women (age 15-44 years)	501	2,537	2,353
Percent female-headed families with related children under age 18 years	18	28	21

Source: Census (unpublished, Nov. 1986).

Comments From the Governor of American Samoa

TERRITORY OF AMERICAN SAMOA
OFFICE OF THE GOVERNOR
FAGATOGO 96799

A. P. LUTALI
GOVERNOR
ENI F. HUNKIN, JR.
LIEUTENANT GOVERNOR

(684) 633-4116

August 28, 1987 Serial: 1484

Richard L. Fogel
Assistant Comptroller General
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Fogel:

I am responding to your draft report to Senators Inouye and Quayle on the Potential Native American Status for American Samoans under the Job Training Partnership Act.

The Government Accounting Office (GAO) makes two main points: (1) that the socio-economic status of Samoans is insufficiently depressed compared to other groups to warrant special status, and (2) that a special or "trustee" relationship does not exist between the United States and Samoans in the United States and in American Samoa.

Firstly, we find fault with the statistical premise used by the GAO in comparing Samoans and the general United States population. Because Samoans are extremely localized, to compare them with the general population as if Samoans were dispersed in the same way is unfounded. Samoans live mostly in Hawaii and California; both States have one of the highest standard and cost of living. In addition, Samoans tend to live in the most costly areas of these states, not in rural or other less costly areas. Because of this, the GAO analysis of comparisons for median family and median household income showing that Samoans are not less well off than other minorities actually should show that Samoans have the same problems financially, if not more. It is difficult to refute the data given in the GAO report because numbers for the areas where Samoans actually live are not provided. The GAO should be requested to look at the Census data for the areas where Samoans actually live and to redo their analysis.

Secondly, the notion that the United States does not have a special trust relationship with American Samoa is unfounded for a number of reasons. The first problem is the implication that there is no government to government relationship. If Samoans in the United States have no form of organization other than public and private non-profit agencies that service them and if Congress sees an obligation to

Samoans, it is likely that the use of these organizations is the only feasible way of discharging these obligations. The reason for singling Samoans is basically political rather than racial, since they are descendants of the original inhabitants of American Samoa. Like American Indians, they are descendants of the aboriginal people who ceded American Samoa to the United States by agreements.

Secondly, besides the horizontal government to government relationship, there is also a vertical relationship - the guardianship which is political, again, rather than racial. It derives from the fact that the dependent indigenous peoples need protection. The Federal Government has already recognized this relationship for Hawaiians by providing a special legislation for Hawaiians, who like Samoans, are not organized into tribes. For Hawaiians, the special legislation started in 1921 with the enactment of the Hawaiian Homes Commission act.

Thirdly, I would like to point out the fact that the United States has given American Samoa U.S. National status. This implies a special "trusteeship" relationship even if nothing else is considered. The fact that American Samoans are neither citizens nor foreigners is another significant factor.

Finally, the analogy between American Indians and American Samoans seems sufficient to imply a trusteeship relationship between them and the United States. American Samoa natives are descendants of the aboriginal people of American Samoa. Our territory is subject to the sovereignty of the United States by virtue of agreements signed with the Chiefs of the Samoan people in 1900 and 1904, and subsequently ratified by Congress in 1929. Admittedly, unlike Indians, Alaska Natives and Hawaiians, American Samoans live in an unincorporated, unorganized territory. Still, like these other groups, the goal of the relationship between the U.S. and Samoa must be for the trustees to prepare Samoans for a certain level of self-sufficiency.

The existing severe social and economic stresses faced by migrant American Samoans living on the mainland is evident and has been well documented by national and regional media. The GAO report builds a case for disadvantageous circumstances for all samoans to one extent or another and therefore provides adequate justification to develop programs to address the social and economic stresses; therefore, I must fully concur with the justifications for inclusion of American Samoans in Native American entitlements, as presented by Senator Inouye and other United States Congressmen.

Page -3-

Thank you for the opportunity to comment on this report.

Sincerely,

A. P. LUTALI
Governor

APL/mtl

Comments From the Department of the Interior

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

August 31, 1987

Mr. J. Dexter Peach
Assistant Comptroller General
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Peach:

We strongly agree with the findings contained in your proposed report on potential Native American status for American Samoans under the Job Training Partnership Act (JTPA).

Sincerely,

Kittie Baier
Principal Deputy Assistant Secretary
Territorial and International Affairs

cc: Dennis Gehley

Comments From the Department of Labor

U.S. Department of Labor

Assistant Secretary for
Employment and Training
Washington, D.C. 20210

AUG 10 1987

Mr. Richard L. Fogel
Assistant Comptroller General
Human Resources Division
U. S. General Accounting Office
Washington, D. C. 20548

Dear Mr. Fogel:

In reply to your letter to Secretary Brock requesting comments on the draft GAO report entitled "Potential Native American Status for American Samoans Under the Job Training Partnership Act," the Department's response is enclosed.

The Department appreciates the opportunity to comment on this report.

Sincerely,

VOGEL D. SEMERAD
Assistant Secretary of Labor

Enclosure

U.S. Department of Labor's Response to
The Draft General Accounting Office Report
Entitled--

Potential Native American Status
for American Samoans Under the
Job Training Partnership Act

The Department of Labor (DOL) has reviewed the subject report and concurs in the major conclusions of the study. The report confirms the Department's position that there is no justification for providing additional JTPA funds to American Samoans under programs designed for Native Americans. As indicated in the report, the study supports the Department's position that American Samoans residing in the United States can be adequately served by State and local JTPA programs. The small size of their population and their geographic concentration further supports this view.

DOL has the following suggestions for improving the report:

1. The last full paragraph on Page 2 - which summarizes the background for the study - should make a clear distinction between State and nationally administered programs under the Job Training Partnership Act (JTPA). For example, JTPA services to American Samoans living in the United States are provided through local programs in the States, while JTPA services to Native Americans are provided under national level programs administered by the Department of Labor.

2. The last sentence on Page 54, continuing to the end of the paragraph on Page 55, concludes that unless American Samoans were specifically targeted for services, they would be served in no greater proportion than any other group. The sentence is misleading. It is the Department's opinion that there are no data to support this conclusion.

Glossary

Aboriginal Title	The concept that the original occupancy and use of land by any people entitle them to both rights of ownership of title to that land and rights of claim to a continuing interest in using or disposing of such land until such title is waived, sold, or otherwise transferred.
Alaskan Native	A person who is Alaskan Indian, Eskimo, Aleut, or any combination thereof. The term also includes any person who is regarded as an Alaskan Native by the Alaskan Native village or group of which he or she claims to be a member and whose father or mother is (or, if deceased, was) regarded as an Alaskan Native by an Alaskan Native village or group. The term includes any Alaskan Native as so defined, either or both of whose adoptive parents are not Alaskan Natives.
American Indian	"American Indian or Indian" means any individual who is a member or descendant of a member of a North American tribe, band, Pueblo, or other organized group of native people who are indigenous to the Continental United States or who otherwise have a special relationship with the United States or a state through treaty, agreement, or some other form of recognition. This includes any individual who claims to be an Indian and who is regarded as such by the Indian tribe, group, band, or community of which he or she claims to be a member.
American Samoan	There are currently two "definitions" of American Samoan—one derived from the U.S. Code and one contained in the American Samoa Code Annotated—as well as a definition proposed in 1982 by the Department of the Interior. The U.S. Code does not specifically define the term "American Samoan." Instead, 8 U.S.C. 1101(a)(29) provides: "The term 'outlying possessions of the United States' means American Samoa and Swains Island." That section, when read in conjunction with the following 8 U.S.C. 1408, combines to form the U.S. Code "definition" of American Samoan: "1408. Nationals but not citizens of the United States at birth "Unless otherwise provided in section 1401 of this title, the following shall be nationals, but not citizens, of the United States at birth:

(1) A person born in an outlying possession of the United States on or after the date of formal acquisition of such possession;

(2) A person born outside the United States and its outlying possessions of parents both of whom are nationals, but not citizens, of the United States, and have had a residence in the United States, or one of its outlying possessions prior to the birth of such person;

(3) A person of unknown parentage found in an outlying possession of the United States while under the age of 5 years, until shown, prior to his attaining the age of 21 years, not to have been born in such outlying possession; and

(4) A person born outside the United States and its outlying possessions of parents one of whom is an alien, and the other a national, but not a citizen, of the United States who, prior to the birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than seven years in any continuous period of ten years—

(A) during which the national parent was not outside the United States or its outlying possessions for a continuous period of more than one year, and

(B) at least five years of which were after attaining the age of fourteen years."

According to title 41 of the American Samoa Code Annotated:

"'American Samoan' means a person born:

(i) of American Samoan ancestry in American Samoa or in the United States; or

(ii) outside of American Samoa, but one of whose parents was born in American Samoa of Samoan ancestry and who has registered with the board within 3 years of his eighteenth birthday, or the enactment of this section, whichever is later. 'American Samoan ancestry' means lineal descendants of the inhabitants of Tutuila and Swains Islands whose permanent place of residence was American Samoa on 17 April 1900, and the inhabitants of Manu'a Islands whose permanent place of residence was American Samoa on 16 July 1904.

"'Board' means the immigration board of American Samoa."

In 1982 the Department of the Interior developed a proposed definition of American Samoan for possible use in amending the Native American Programs Act of 1974:

"'American Samoan' means for the purposes of the Native American Programs Act any individual any of whose ancestors were inhabitants of the islands now commonly known as American Samoa prior to April 17, 1900."

Ancestry	A person's nationality group, lineage, or the country in which the person or the person's parents or ancestors were born before their arrival in the United States. The term is sometimes used interchangeably with "origin," "ethnicity," "ancestry group" and "ethnic group."
Ethnic Group	See Ancestry.
Family Income	A family consists of a householder and one or more other persons living in the same household who are related to the householder by birth, marriage, or adoption. All persons in a household who are related to the householder are regarded as members of his or her family. In the compilation of statistics on family income, the incomes of all members 15 years old and over in each family are summed and treated as a single amount.
Federal Trust Responsibility for Indians	The concept that the federal government has explicit legal obligations and implicit moral obligations toward Indians to protect Indian lands and resources held in trust by the United States for Indians; to ensure the survival of Indian tribes' self-government; and to provide federal programs and services to enhance the economic and social well-being of Indians.
Hawaiian Native	See Native Hawaiian below.
Household Income	A household includes all the persons who occupy a housing unit (house, apartment, single room, or group of rooms as separate living quarters) and may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements. Household income includes the income of the householder and all other persons 15 years old and over in the household, whether related to the householder or not.
Native American	American Indian, Native Hawaiian, or Alaskan Native.

Native Hawaiian	The federal government uses two different definitions: (1) For the purposes of the 1974 Native American Programs Act, "Native Hawaiian" (or "Hawaiian Native" under JTPA) means any individual, any of whose ancestors were, prior to 1778, natives of the area that consists of the Hawaiian Islands. (2) For the purposes of the Hawaiian Homes Commission Act, 1920, "Native Hawaiian" means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778 (16 U.S.C. 410jj-6).
Per Capita Income	The mean (average) income computed for every man, woman, and child in a particular group.
Poverty	Census estimates based on the receipt of money income before taxes, weighted by family size and number of related children under 18 years old; includes persons in families and unrelated individuals except inmates of institutions, persons in military group quarters and in college dormitories, and unrelated individuals under 15 years old.
Public Assistance	Supplementary Security Income payments by federal or state welfare agencies to low-income persons who are aged (65 years old or over), blind, or disabled; Aid to Families with Dependent Children; and general assistance.
Puerto Rican	Persons of Spanish origin or descent who classified themselves in the Spanish-origin category Puerto Rican in the 1980 Census.
Service Delivery Area	Geographic areas and political jurisdictions such as counties, multi-county groups, or entire states through which job training and employment services authorized under JTPA are provided.

Selected Reports and Studies Addressing Native Americans and Various U.S. Insular Areas

The following is a list of selected reports and studies on Native Americans and various U.S. insular areas prepared by GAO, other federal agencies or sources, and private organizations or individuals. These reports provide detailed analyses of some of the policy issues surrounding United States-Native American and United States-territorial relations addressed in this report.

American Indian Policy Review Commission. Final Report Submitted to Congress, Vols. 1 and 2. Washington, DC: GPO, 1977.

———. Task Force One, Final Report: Report On Trust Responsibilities and the Federal-Indian Relationship; Including Treaty Review. Washington, DC: GPO, 1976.

———. Task Force No. 9, Final Report: Law Consolidation, Revision, and Codification. Washington, DC: GPO, 1976.

———. Task Force Ten, Final Report: Report on Terminated and Nonfederally Recognized Indians. Washington, DC: GPO, 1976.

Felix S. Cohen's Handbook of Federal Indian Law, 1982 Edition. Charlottesville, VA: Michie Bobbs-Merrill, 1981.

Jones, Richard S. A History of the Alaska Native Claims Settlement of 1971. Together with a History of the Determination and Disposition of the Property Rights of Native Hawaiians, Being A Comparison of These Two Situations in the Light of Proposing A Settlement of Hawaiian Native Land Claims. Washington, DC: U.S. Congressional Research Service, Apr. 20, 1973.

———. Alaska Native Claims Settlement Act of 1971 (Public Law 92-203): History and Analysis Together with Subsequent Amendments. 81-127 GOV. Washington, DC: U.S. Congressional Research Service, June 1, 1981.

———. Analysis of American Indian Affairs: Background, Nature, History, Current Issues, Future Trends. 85-70 GOV. Washington, DC: U.S. Congressional Research Service, May 7, 1985.

———. Indians: Recommendations of the American Indian Policy Review Commission. Issue Brief IB77083. Washington, DC: U.S. Congressional Research Service, Aug. 17, 1977.

Levitan, Sar A., and William B. Johnston. Indian Giving: Federal Programs for Native Americans. Washington, DC: Center for Manpower Policy Studies, The George Washington University, 1975.

Ranney, Austin, and Howard R. Penniman. Democracy in the Islands: The Micronesian Plebiscites of 1983. Washington, DC: American Enterprise Institute for Public Policy Research, 1985.

U.S. Department of the Interior. Native Hawaiians Study Commission. Report on the Culture, Needs and Concerns of Native Hawaiians Pursuant to Public Law 96-565, Title III. Vols. 1 and 2. Washington, DC. June 23, 1983.

———. Office of the Solicitor. Citations to and Extracts from the Legislative History of the Hawaii Statehood Act as It Pertains to the Hawaiian Homes Commission Act, 1920. Washington, DC. Jan. 1983.

U.S. General Accounting Office. American Samoa Needs Effective Aid to Improve Government Operations and Become a Self-Supporting Territory. CED-78-154. Sept. 22, 1978.

———. Budget Issues: Immigration to the United States—Federal Budget Impacts 1984-1995. GAO/AFMD-86-53BR. Aug. 28, 1986.

———. Changes Needed in Revenue Sharing Act for Indian Tribes and Alaskan Native Villages. GGD-76-64. May 27, 1976.

———. Experiences of Past Territories Can Assist Puerto Rico Status Deliberations. GGD-80-26. Mar. 7, 1980.

———. Federal Land Acquisition: An Update on Federal Agencies' Progress Under the Alaska Lands Act. GAO/RCED-87-41FS. Nov. 12, 1986.

———. Indian Affairs: Proposal to Restore the Federal Trust Relationship with Two Indian Tribes. GAO/RCED-87-66FS. Jan. 7, 1987.

———. Issues Affecting U.S. Territory and Insular Policy. GAO/NSIAD-85-44. Feb. 7, 1985.

———. Puerto Rico's Political Future: A Divisive Issue With Many Dimensions. GGD-81-48. Mar. 2, 1981.

———. Review of American Indian Policy Review Commission. GGD-77-62. June 29, 1977.

———. Welfare and Taxes: Extending Benefits and Taxes to Puerto Rico, Virgin Islands, Guam, and American Samoa. GAO/HRD-87-60. Sept. 15, 1987.

*U.S. G.P.O. 1987-201-749:60172

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